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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION

Initial reports of States parties due in 1994

Addendum

# LITHUANIA*

[6 August 1998]

* The annexes are available for consultation in the files of the secretariat.

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## Introduction

1. This is the initial report of the Government of the Republic of Lithuania on the implementation of the provisions of the Convention on the Rights of the Child in Lithuania.

2. After Lithuania promulgated the Act of Independence on 11 March 1990, the economic and social situation began to change rapidly. At the beginning of the transition period democratic traditions were still weak and laws protecting children's rights were lacking. Fundamental economic and social transformations have affected children. Nevertheless, in due course newly developed policies and structures have strengthened their legal, social and emotional well-being in the society.

3. The aim of this report is to examine thoroughly the changes that took place in children's lives during the transition from an authoritarian regime to a democratic way of life, analyse the implementation of the provisions of the Convention on the Rights of the Child and review future developments in Lithuania in this field.

4. As declared in the preamble of the Constitution of the Republic of Lithuania, Lithuania is striving for an open, just and harmonious civic society.

5. On 8 January 1992, the Republic of Lithuania joined the Convention on the Rights of the Child, which was ratified by the Parliament (Seimas) on 3 July 1995. The text of the Convention was translated into Lithuanian. It is distributed at various levels by non-governmental organizations which protect and represent children's rights in Lithuania. The laws of the Republic of Lithuania are already being adjusted in accordance with the provisions of the Convention.

6. To strengthen the protection of children's rights in the country and build a foundation for the protection of children's rights and freedoms in conformity with the Constitution of the Republic of Lithuania and international legal norms, on 14 March 1996, the Seimas of the Republic of Lithuania adopted the Law on the Fundamentals of Protection of the Rights of the Child of the Republic of Lithuania. This law ensures basic rights, freedoms and duties of the child, as well as guarantees for the protection of these rights and freedoms in Lithuania. The law regulates basic conditions of control of the child's behaviour and the child's responsibility; establishes general provisions of responsibility of parents and other natural persons for the violation of the rights of the child; sets up a system of institutions for the protection of the rights of the child and a legal basis for their activities.

7. In order to coordinate the activities of various institutions in the realm of the protection of the rights of the child, provide the President of the Republic of Lithuania with up-to-date information about the situation of children and families, and tackle urgent problems related to the protection of children's rights, a Council for Children's Affairs was established under the

jurisdiction of the President of the Republic of Lithuania. The Council comprises 16 members: 10 representatives of non-governmental organizations and six representatives of State institutions.

8. The Council initiated discussions about the implementation of the Convention on the Rights of the Child in Lithuania and the preparation of this report, as well as the issue of providing children with free meals at school and support to large families.

9. In the 1997-2000 action programme of the Government of the Republic of Lithuania, a strong emphasis has been put on the policy of consolidation of children's rights and freedoms. In accordance with this policy the law on Child Care of the Republic of Lithuania is being prepared. This law will enable a child who has lost parental care or become an orphan to seek protection not in State child-care institutions, but in a family or a family-type foster home (extended family). The draft law has already been approved by the Government and presented to the Seimas for consideration. When the Law on Child Care comes into force, the Government will prepare new Regulations of the Activities of Family-type Foster Homes. Such regulations will facilitate and improve the protection of the rights and freedoms of a child who lives in a family-type foster home.

10. On 1 November 1997 the Law on the Amendment to the Law on State Benefits to Families with Children came into force. This law provides for an additional financial support to families with three or more children.

11. The Government of the Republic of Lithuania approved the Programme of Prevention of Juvenile Delinquency. The Government allocates considerable financial resources for the implementation of this programme.

12. To protect the rights and dignity of the child, the Government has approved and supports financially the Programme for the Prevention of Commercial and Sexual Exploitation of Children.

13. The Government considers the spread of drugs and drug addiction among young people as one of the most painful social scourges and calamities. Therefore, it has ordered the preparation of the National Programme of Drug Control and Prevention of Drug Abuse. This programme should be submitted to the Government for approval by the end of 1998. Currently, the 1998-2000 Acton Plan for Drug Control and Prevention of Drug Abuse is being implemented.

14. The new Family Code is under preparation. It should regulate personal and property relations of the spouses and the child.

15. An analysis of the structure of the national budget, shows that the State devotes much of its attention to the social needs and living conditions of the family and the child. Budgetary allocations for social needs have been as follows: 46.7 per cent in 1993, 48.1 per cent in 1995, and 50.9 per cent in 1996.

16. One of the examples of the Government's activities in the field of the rights of the child is the Government's decision to give school lunch free of charge to children from socially needy families throughout the school year

beginning from 1997 (in 1997, 40 million litas was allocated for this purpose), and in 1998 such children will also be given free school breakfast. In 1998 budgetary allocations for this purpose will amount to 60 million litas.

17. In 1994 in Lithuania a network of agencies for the protection of children's rights was started, making assistance to children more effective. The workload of the staff of these agencies increased because during the last two years the number of socially underprivileged families grew by 30 per cent (by mid-1997 in Lithuania there were 12,609 such families with 29,914 children). In such families children do not receive proper care, which leads to a situation where children do not attend school and do not get sufficient food, increasing the danger of their becoming involved in criminal activities. Although thousands of children are helped in many ways, the agencies' network for the protection of children's rights still lacks efficiency, diligence and a constructive approach in protecting the rights and freedoms of the child. Therefore, in 1998 the regulations of these agencies will be amended to make them responsive to the children's situation and enable them to solve children's problems.

18. In the Republic of Lithuania there are about 100 non-governmental organizations and foundations protecting the rights of the child and representing their interests. The following are the most active: All the Children of Lithuania; Caritas; UNICEF; the Lithuanian Children's Fund; Viltis (Hope), a care community for mentally retarded people; The Child's Native Home, a support foundation; the Support Centre for Families of Missing People set up within the Human Rights Association; the Lithuanian child-care centre Auka (Victim); Seimyna (Extended Family), a community devoted to the preservation of the nation; For Human Life, the Lithuanian Association of the World Federation of Doctors; the charity foundation Kaimo vaikai (Village Children); Gelbekite vaikus, Lithuanian Save the Children; the Lithuanian Association of Paediatricians and others. Their sincere and consistent help in protecting and consolidating children's rights is appreciated not only by children but also by the State institutions. The Government cooperates with these organizations on a regular basis in drafting new laws and elaborating new programmes aimed at the protection of children's rights.

19. The role of municipalities in the protection of children's rights and in solving their problems is steadily growing, especially with regard to children who have lost parental care. Almost all municipalities have set up child-care establishments, devote more attention to dysfunctional families, and help to protect children's property rights.

20. Generally speaking, taking into account the laws and resolutions which are consistently prepared by the Seimas, the President and the Government of the Republic of Lithuania and municipalities and numerous non-governmental organizations, as well as an increasing number of preventive programmes, regular allocation of financial resources and constructive solution of problems in order to protect children's rights, it can be stated that children are becoming a more protected part of the society.

21. This report was prepared by the specialists of the following Ministries of the Republic of Lithuania: Culture, Social Security and Labour, Health Care, Education and Science, Justice, Interior and Foreign Affairs, as well as the Department of Statistics, the Institute of Law, and the Children's Rights Agency at the Ministry of Social Security and Labour. The report was discussed by the National Committee for the Protection of the Rights of the Child. Many suggestions were offered by active non-governmental organizations protecting children's rights.

## Article 1

22. Article 2 of the Law on Fundamentals of Protection of the Rights of the Child of the Republic of Lithuania says that a child is a person below the age of 18 years, unless his or her majority is recognized earlier in cases established by laws of the Republic of Lithuania. After the adoption of the Law on Fundamentals of Protection of the Rights of the Child of the Republic of Lithuania, a child means every person under 18 years of age, unless the law stipulates otherwise.

23. In Lithuania, very often the notions of "children of pre-school age (1-6 years of age) and "children of school age" are used. Article 41 of the Constitution of the Republic of Lithuania established compulsory education for persons under the age of 16. The same is established in article 21 of the Law on Education and Resolution No. 889 of 4 August 1997 of the Government of the Republic of Lithuania "On the Procedure of Registration of Children of School Age under the Age of 16".

24. According to article 33 of the Civil Procedural Code (Civil PC) of the Republic of Lithuania, civil procedural responsibility, i.e. ability to exercise one's rights in the court and authorize one's representative to prepare a case, is applicable to those persons who have attained majority, i.e. 18 years.

25. Under-aged persons, depending on their age, have diminished responsibility or do not have it at all. In the court, the rights and lawful interests of under-aged persons from the age of 15 to 18 are defended by their parents, foster-parents or guardians. Under-aged persons must be included in court hearings. In the cases concerning labour, marriage or family legal relations, or agreements regarding disposal of one's earnings, or other agreements which under-aged persons have the right to conclude independently, under-aged persons may themselves defend their rights and lawful interests in the procedure established by law. The rights and lawful interests of under-aged persons below the age of 15 are defended in court by their representatives, parents, foster-parents or guardians.

26. Certain articles of the Civil PC single out the category of under-aged persons under 16 years of age. According to article 10 of this code such persons are denied entry to the courtroom, unless they participate in the case or are witnesses.

27. The Criminal Procedural Code (Criminal PC) of the Republic of Lithuania regulates this issue in a similar fashion. In most cases it refers to under-aged persons below 18 years of age, and in some cases it singles out a

category of persons below 16 years of age. For example, according to article 16 of the Criminal PC, such persons are denied entry to the courtroom, unless they are the accused, the victim or a witness. Usually, according to article 163 of the Criminal PC, such persons are summoned to the investigator as the accused, or, according to article 75 of the Criminal PC, as a witness through their parents or other representatives in the procedure established by law. Articles 179 and 312 of the Criminal PC stipulate that witnesses of such age are not warned against criminal liability if they refuse or avoid to give evidence, or knowingly give false evidence.

28. Article 4 of the Law on Employment Contract of the Republic of Lithuania, singles out minors below 14 years of age, minors from 14 to 16 years of age, and under-aged persons who are 16 years of age and older. Said law stipulates that permanent residents of Lithuania who are 16 years of age may be legally employed. Only those persons who have reached the age of 14 may be employed for the types of work listed in a special document. Under-aged persons from 14 to 16 years of age may be employed if that does not interfere with their school studies and only with a written consent submitted by school authorities, or one of the parents, or another person who is bringing up the child. Article 35 of the same law contains restrictions on the termination of an employment contract with pregnant women or women who have children below 3 years of age.

29. Sub-chapter 1, chapter 6, of the Law on Labour Protection of the Republic of Lithuania regulates the work of minors. In this law minors are considered to be persons from 14 to 18 years of age. Article 58 contains provisions similar to those of article 4 of the Law on Employment Contract; article 59 prohibits persons under 18 years of age performing hazardous work; article 60 provides for the rest time for persons under 16 years of age and persons from 16 to 18 years of age; article 61 prohibits persons under 18 years of age working at night, on days off, on holidays, and overtime; article 41 provides for shortened work hours for persons from 14 to 16 and from 16 and 18 years of age.

30. In the Law on the Social Integration of Disabled Persons of the Republic of Lithuania, a child with a disability is a person under the age of 16.

## Article 2

31. Article 29 of the Constitution of the Republic of Lithuania contains a general provision which prohibits all types of discrimination: "All people shall be equal before the law, the court, and other State institutions and officers. A person may not have his or her rights restricted in any way, or be granted any privileges, on the basis of his or her sex, race, nationality, language, origin, social status, religion, conviction, or opinions." In every particular case this principle is supplemented by relevant laws of the Republic of Lithuania.

32. All children within the jurisdiction of the Republic of Lithuania, including foreigners and persons without citizenship, are guaranteed the rights as provided for in the Convention without any discrimination. Article 3 of the law on the Legal Status of Foreigners in the Republic of Lithuania establishes that in the Republic of Lithuania foreigners are equal

before the law, irrespective of their race, colour, sex, language, religion, political or other beliefs, national or social origin, property, birth or any other status. The same is applied to refugees. According to article 17 of the Law on the Status of Refugees in the Republic of Lithuania, in Lithuania refugees exercise all the rights established in international agreements that the Republic of Lithuania is a party to, and the laws of the Republic of Lithuania.

33. Article 1 of the Law on Ethnic Minorities of the Republic of Lithuania stipulates that "the Republic of Lithuania, adhering to the principles of ethnic equality and humanism, shall guarantee to all ethnic minorities residing in Lithuania the right to freely develop, and shall respect every ethnic minority and language. Any discrimination with regard to race, ethnicity or nationality, language or anything else related to ethnicity shall be prohibited and punished under the procedure provided by the laws of the Republic of Lithuania." This norm is implemented by article 27 of the Criminal Code (CC) of the Republic of Lithuania which provides for criminal liability for the violation of national and racial equality.

34. The principle of non-discrimination is also consolidated in various laws of the Republic of Lithuania, like the Law on Education and the Law on Employment Contract, article 252 of the Administrative Code (AC), article 12 of the Criminal Procedural Code (Criminal PC), article 6 of the Civil Procedural Code (Civil PC) and other legal acts.

## Article 3

35. The rights of the child and the protection of his or her interests are regulated by most laws of the Republic of Lithuania, government resolutions, decrees of ministries, institutions and local governments. The fundamental rights of the child (to life, health, freedom, inviolability of the person and others) are regulated and ensured by the Constitution of the Republic of Lithuania (chap. 2, "The Individual and the State"; arts. 38-41, chap. 3, "Society and the State" and other articles), the Marriage and Family Code, the Law on Fundamentals of Protection of the Rights of the Child, the Law on Child Care (the draft to be completed soon), the Administrative Code, Criminal Code, Code of Corrective Labour, and procedural and other laws. However, with the legal reform under way, sometime laws and other legal acts are drafted without taking into due account the lawful interests of children and the protection of their rights (for example, the Law on Privatization of Flats did not ensure children's property rights in that domain). Certain provisions of the Marriage and Family Code no longer correspond to the changing patterns of family relations and do not give adequate protection to the rights and interests of the child (especially provisions which form the basis for the establishment or denial of parental rights, ensure the protection of property rights of children born out of wedlock or, in case of their parents' divorce, regulate the procedure of the payment of child maintenance and others). At present a new Family Code is being drafted taking all previous shortcomings into consideration.

36. The Law on Fundamentals of Protection of the Rights of the Child regulates children's rights and freedoms and guarantees their protection and defence in the Republic of Lithuania. The provisions of the law facilitate

the drafting and practical implementation of other laws and legal acts of Lithuania relevant to the protection of the rights of the child.

37. Another problem with regard to ensuring children's interests is that owing to financial difficulties, the number of staff working in the sphere of protection of children's rights is too small to meet the growing needs. By mid-1997 in Lithuania there were only about 200 persons working in agencies for the protection of children's rights. Currently, the staff should comprise at least 300 persons.

38. At present, it is important to increase the number of counselling agencies responsible for children's safety, which would accelerate the implementation of programmes for the prevention of drug abuse, AIDS, and venereal diseases.

## Article 4

39. The Seimas of the Republic of Lithuania aims at strengthening legal protection of children in the country and establishing the basis for the protection of children's rights and freedoms in conformity with the Constitution of the Republic of Lithuania and international legal norms and principles. Therefore, on 14 March 1996 the Seimas adopted the Law on Fundamentals of Protection of the Rights of the Child of the Republic of Lithuania. This Law is based on the Constitution of the Republic of Lithuania, the Declaration on the Rights of the Child, the Convention on the Rights of the Child, and other international norms and principles. It takes into account the specific situation of the child within the family and society, traditional national laws, fundamental rights and freedoms of the child and the basic guarantees for the defence thereof. The Law also regulates the fundamental conditions in controlling children's behaviour and liability resulting therefrom, establishes parental liability and that of other natural and legal persons for violations of the provisions of the general rights of the child and establishes the system of institutions for the protection of the rights of the child and the legal principles of activity thereof.

40. In recent years the Seimas, the President and the Government of the Republic of Lithuania, as well as counties, municipalities and public organizations have been devoting increasingly more attention to the solution of the problems of children.

41. The records of the agencies for the protection of children's rights show that in several years a considerable number of children have received assistance in the form of guardianship, custody, foster-home, protection of property, etc. The work among dysfunctional families which bring up children has become more consistent. However, all families bringing up children should receive more attention and help to prevent them from becoming problem families; large families should receive bigger financial assistance.

42. Under such circumstances it is important to increase the role of municipalities, educational establishments, health care institutions, police and other institutions in solving children's problems and helping families to bring up their children. It is necessary to ensure that educational

establishments implement the Law on Education and the Law on Fundamentals of Protection of the Rights of the Child and inform parents, agencies for the protection of children's rights and other institutions about the children who avoid compulsory education. Measures should be taken to encourage these children to attend school regularly and to reduce the number of children who drop out (article 37 of the Law on Fundamentals of Protection of the Rights of the Child).

43. Preventive children's health care measures must be improved and the child must be provided with a possibility to receive qualified medical assistance. This is regulated in article 8, "The Right of the Child to Health", of the Law on Fundamentals of Protection ... the Rights of the Child.

44. In pursuing the family policy and in looking for solutions to children's issues it is very important that the mother or the father work on a part-time basis and look after their children at home. By resolving the issues of housing, social services, education and health care, the new family policy should make a positive influence on the life and behaviour of the family and demographic processes. Families must have real possibilities for acquiring a dwelling. For the time being credit possibilities for the acquisition of dwellings do not meet the demand.

45. In the Republic of Lithuania the following institutions are responsible for the protection of human rights:

(a) The court is the main institution. According to article 4 of the Law on Courts of the Republic of Lithuania, "in the Republic of Lithuania, all its citizens have the right to legal defence against attempt on life and health, personal freedom, honour and dignity, other rights and freedoms guaranteed by the Constitution of the Republic of Lithuania, as well as to legal defence against illegal actions or omissions of government institutions and officers";

(b) The prosecutor's office supervises the implementation of court decisions;

(c) The Seimas Ombudsmen of the Republic of Lithuania investigate citizens' complaints concerning the abuse of official position and bureaucracy by government officials;

(d) The Committee for Human and Civil Rights and Nationalities Affairs of the Seimas deals with the protection of human rights;

(e) At the present time the issue of establishing a post of ombudsman for children's rights is under consideration.

46. The Law on Fundamentals of Protection of the Rights of the Child is changing the attitude of the State and the society towards children, and gradually the issues of the child's well-being are becoming a priority of national policy.

## Article 5

47. The laws of the Republic of Lithuania provide for the following lawful representatives of the child: parents; foster-parents; legal guardians; and custodians.

48. According to article 38 of the Constitution of the Republic of Lithuania, in the family spouses have equal rights. The right and duty of parents is to bring up their children to be honest individuals and loyal citizens, as well as to support them until they come of age. The father and the mother have equal rights with regard to their children also in the event of the dissolution of the marriage.

49. Parents must bring up their children, take care of their physical development and education and prepare them to be useful members of the society. The rights and interests of under-aged children must be protected by their parents. Parents are the guardians of under-aged children without any special appointment. The rights of parents may not be contrary to children's interests.

50. If for some reason the parents live separately, the place of residence of their children is decided by their mutual agreement. In case of disagreement, the dispute must be settled by an agency for the protection of the rights of the child or the court, taking into account the interests of the child. If the child is 10 years of age or more, the court also takes into consideration the wishes of the child.

51. The father (mother) who has legal parental rights and lives separately from the under-aged child has the right to participate in the upbringing of the child and to associate with him. The mother (father) with whom the child lives may not prevent the other parent from associating with the child and educating him.

52. Parents have the right to claim their under-aged children back from any person who holds them against the law or court decision. The court may reject such a claim if the transfer of the child to the parents contradicts the interests of the child.

53. Parents have the duty to bring up their children. Sanctions (penalties, denial of parental right, etc.) are imposed on parents who fail to fulfil this duty or fulfil it unsatisfactorily. The Marriage and Family Code of the Republic of Lithuania provides for the possibility of denying the parental right in a legal procedure. Parents or one of the parents may be deprived of parental rights if it is found that they avoid to fulfil their duty of bringing up children, make an adverse influence on them by their immoral behaviour, or when parents are alcoholics or drug addicts. If one of the parents is deprived of parental rights, the child usually remains with the other parent. If both parents are deprived of parental rights, the child is turned over to child-care establishments.

54. Child-care establishments have the right to allow the father (mother) who is deprived of parental rights to visit the child if his or her association with the child does not make an adverse effect on the child and if

the child is not adopted. The court may decide to take the child away from parents and place him in custody of a child-care establishment whether or not parental rights have been withheld, if it is dangerous to leave the child with the persons with whom the child is staying. If the reasons for taking the child away disappear, upon the request of parents the court decides to return the child back to parents if this does not contradict the interests of the child. Deprivation of parental rights does not relieve parents of the obligation to support their children financially.

55. In Lithuania the number of single-parent families is growing annually. There are about 600,000 families bringing up children. The number of children under 18 years of age has reached 945,000. Around 80 per cent of children live with both parents. About 130,000 children live with the mother, and around 15,000 with the father. About 20,000 children live in families without one of the parents. About 13,000 orphaned or neglected children live in child-care establishments, family-type foster homes, and in foster families. These children are supported by the State (see annex, table 3).

56. During the last couple of years the number of child-care homes established by municipalities increased twofold. Such child-care homes are located close to the home of the child. Some parents visit their children, family ties are not disrupted, and there is more hope that the children will reunite with their parents.

57. About half of the neglected children are under the care of the State, i.e. they are turned over to various child-care institutions or family-type foster homes supported by the State. In 1996 and in the first half of 1997 more than half of such children (60 per cent) were taken under the care of the State, and about 40 per cent into the custody of individuals or families. Every year, 11,000-13,000 children remain with one of the parents, usually with the mother, following their parents' divorce. The number of children born out of wedlock is increasing: such children comprised 7 per cent of births in 1990, 12.6 per cent in 1995 and 14.2 per cent in 1996. There are more families where both or one of the parents abuse alcohol.

58. In Lithuania, according to the law a child may be separated from his or her parents against his or her own and the parents' will, if such separation is essential in ensuring the child's health and safety. The child is separated from his or her parents by a court decision. In exceptional cases, if danger arises to the life or health of the child, he or she may be taken away from the family immediately, although later a court decision must be adopted.

59. Recently, the President of the Republic initiated several articles of the Criminal Code in order to introduce more austere sanctions against child abuse. Apart from this, a draft Criminal Code has been presented to the Seimas which expands responsibility for harmful actions against children, particularly emotional and physical abuse.

60. The Constitution of the Republic of Lithuania has established that an orphaned child is put under the care of the State. Therefore, a network of child-care establishments has been put in place: State and municipal child foster homes, boarding schools, infants' homes, day-care centres, child-care

groups, public organizations' child foster homes, etc. In recent years new types of child-care establishments have appeared: family-type foster homes (extended families), parish foster homes and foster families. Programmes designed to teach families how to bring up foster children, as well as programmes for educating dysfunctional families with children, have been launched.

61. The aim of the laws on the control of alcohol and tobacco is to prevent the adverse effect of advertising on a developing personality. It is necessary therefore to adhere to the principle of limited advertising of alcohol and tobacco and to prepare an alcohol control programme. The Agency of Alcohol and Tobacco Control is already in operation.

62. Efforts should be made to minimize the number of cases of deprivation of parental rights. It is important to improve social work among parents who bring up children and fail to fulfil their duties in a proper way.

## Article 6

63. The law protects the right of individuals to life (Constitution of the Republic of Lithuania and other laws). Abortions are not prohibited, and are allowed up to the twelfth week of pregnancy (later pregnancies may be discontinued only in exceptional cases and only on medical grounds). The number of legally induced abortions is given below:

| | 1993 | 1994 | 1995 | 1996 |
|---|---|---|---|---|
| Abortions, total | 40 765 | 30 355 | 31 278 | 27 832 |
| Per 1,000 women aged 15-49 years | 43.52 | 32.76 | 33.66 | 29.85 |
| Per 100 live births | 73.37 | 71.85 | 76.38 | 71.14 |

Source: Data of Ministry of Health.

64. The number of abortions is gradually diminishing. Contraceptives are becoming more accessible in Lithuania; family planning and other relevant agencies are being set up, programmes of sexual education of children and youth are being carried out. Attitudes towards abortions are changing within the society. An increasing number of people recognize the right to life from the very inception of life. Family centres, Caritas and the organization For Human Life have made a great contribution to the development and change of the attitude towards the family and respect for life. The work of health agencies is vitally important for the survival and healthy development of the child.

65. The legal acts of the Ministry of Health Care regulate all preventive health examination of children, putting a special emphasis on the health care of children up to 1 month of age.

66. The National Immunization and Prevention Centre was established to combat infectious diseases. It organizes the production and distribution of vaccine. The immunization of children is carried out by physicians in

out-patient clinics according to an immunization schedule and medical indications. More children are inoculated every year. (See annex, table 4.)

67. The Mother and Child Health Care Programme which was drafted and approved in 1994 has already produced good results: there was a marked drop in the prenatal and infant mortality rates, and a system of monitoring, diagnosis and treatment has been created for healthy newborns and children with various diseases.

68. The conditions of medical treatment, education and recreational activities of pre-school children and schoolchildren in educational establishments are regulated by normative acts. All organizations which design and construct buildings for educational establishments, the heads of these establishments, and medical personnel rendering medical services to children and supervising hygiene in these establishments are subject to these norms. Violations of the norms are subject to the Criminal Code of the Republic of Lithuania.

69. With the rise of the crime rate and the deterioration of the economic situation last year, cases of violence against children, causing injuries and death, have become more frequent. There have been cases of mothers murdering their newborn babies. According to the Ministry of the Interior, 7 newborn babies were murdered by their mothers in 1996, 10 in 1995, 6 in 1994 and 9 in 1993. Many children die in accidents (by drowning, in car accidents or fires). Sixty one per cent of all deaths of children 1 to 17 years of age were due to other than natural causes.

70. The implementation of paragraph 2 of article 13 of the Convention (to ensure healthy development of the child) is directly connected with the economic situation and social conditions in the country - the availability of appropriate dwellings and sufficient and adequate food depends on the family budget. In addition, much depends on the ecological situation. The Seimas and the Government of the Republic of Lithuania have planned to support large families and as of 1 November 1997 have started paying benefits from the State budget to families with three or more children. Assistance and provision of meals at school is another urgent issue. In 1997, 115,500 schoolchildren from socially needy families received free meals at school worth over 40 million litas that were allocated from the State budget.

## Article 7

71. The right of the child to a name is guaranteed in articles 62 and 184 of the Marriage and Family Code (MFC). The name of the child is given by mutual agreement of both parents. The surname of the child is established according to the surname of the parents. If parents have different surnames, the child is given the surname of the mother or the father by mutual agreement of the parents. If parents disagree about the name or the surname of the child, the dispute is settled by a child-care body in the presence of parents (article 62, MFC). The name and surname of the child whose parents are not known are recorded in the birth register upon the instruction of a child-care establishment (article 184, MFC).

72. The issues of citizenship of born children are regulated in articles 8, 9, 10, 11 of the Law on Citizenship. A child, both of whose parents at the moment of his or her birth were citizens of the Republic of Lithuania, shall be a citizen of the Republic of Lithuania regardless of whether he or she was born on the territory of the Republic of Lithuania or beyond its borders (art. 8). In case of different citizenship of parents, a child one of whose parents at the moment of his or her birth was a citizen of the Republic of Lithuania, shall be a citizen of the Republic of Lithuania, if:

(a) He or she was born on the territory of the Republic of Lithuania; or

(b) He or she was born beyond the borders of the Republic of Lithuania, but at the moment of his or her birth both or one parent had a permanent place of residence on the territory of the Republic of Lithuania.

73. If at the moment of the child's birth one parent was a citizen of the Republic of Lithuania and both parents had a permanent place of residence beyond the borders of the Republic of Lithuania, the citizenship of the child, until he or she is 18 years of age, shall be established by the parents' agreement. A child one of whose parents at the moment of his or her birth was a citizen of the Republic of Lithuania, and the other parent was either a person without citizenship or unknown, shall be a citizen of the Republic of Lithuania regardless of his or her place of birth (art. 9).

74. A child whose parents are persons without citizenship and permanent residents in Lithuania shall acquire citizenship of the Republic of Lithuania (art. 10). A child found on the territory of the Republic of Lithuania both of whose parents are unknown shall be considered born in Lithuania and shall be a citizen of the Republic of Lithuania, unless there are grounds for him or her to acquire a different status (art. 11). Thus it can be stated that the laws of the Republic of Lithuania ensure the right of a born child to citizenship.

75. Article 52 of MFC stipulates that mutual rights and duties are based on the descent of the child as established in the procedure set by the law. Article 58 of MFC stipulates that the father and the mother who are married to each other are recorded in the birth register as the child's parents upon the request of either of them. In other words, when registering the birth of the child, persons who are married to each other and produce a marriage certificate are registered as the child's parents upon the written request of one of the parents. Maternity is confirmed by a certificate of a medical establishment about the child's birth, and paternity is confirmed by the marriage certificate of the child's mother and her husband. If the child is born after the death of the father or after the dissolution or annulment of the marriage, at the written request of the mother her former husband is registered as the child's father no later than 10 months after the birth (articles 185 and 186, MFC).

76. The entry which testifies paternity may be disputed. Article 59 of MFC establishes that a person who is registered as the child's father or mother is entitled to dispute the entry within one year from the time when he or she found out or had to find out about the entry. If at that time the person

registered as the father or the mother of the child was under-aged, the one-year term is calculated from the time of his or her attaining majority.

77. If the parents are not married, the child's mother is registered at the mother's written request, and the child's father is registered at the joint request of the mother and the father or on the basis of a court decision (article 60, MFC). Therefore, in the case of a child born to parents who are not married to each other, a written request suffices to establish maternity and a joint request is required to establish paternity. In the absence of the joint request of both parents, paternity may be established in a legal procedure, at the written request of one of the child's parents or a guardian (custodian), as well as at the child's written request when he or she becomes of age. Paternity may be established in a legal procedure in the event of death of the alleged father of the child born to persons who are not married to each other. In both cases, in establishing paternity, the court takes into account the fact of cohabitation of the mother and the respondent until the birth of the child; or that they brought up and supported the child jointly; or that there is reliable evidence which confirms that the respondent recognized his paternity (articles 55, 56, MFC). In the event that the mother is dead, with diminished responsibility or deprived of parental rights, and if it is impossible to locate her whereabouts, the father's child is registered at the father's request (article 60, MFC).

78. In the draft Family Code, which is about to be completed, the institution of deprivation of parental rights will be abolished, providing for an institution of restrictions of these rights. The law should define clear grounds for restricting parental rights and establish a legal procedure.

## Article 8

79. The Convention obligates the State to respect the right of the child to preserve his or her identity, including nationality, name and family relations. Thus, according to the meaning of this article of the Convention, the right of the child to preserve his/her identity may be interpreted as the child's right to preserve his or her name, surname, citizenship and family relations.

80. The child's right to name and surname is regulated in great detail by the Marriage and Family Code (MFC). The law also stipulates that the name and the surname of an adopted child who has turned 15 years of age may be changed only with his or her written consent. The law establishes that when an adoption is voided, the court decides whether the child will retain the name and surname that were given to the child upon adoption or to return the name and surname that the child had prior to the adoption.

81. The child's right to the preservation of identity also entails the right to preserve his or her citizenship. Article 37 of the Constitution of the Republic of Lithuania stipulates that "citizens who belong to ethnic communities shall have the right to foster their language, culture, and customs". According to article 45 of the Constitution, "ethnic communities of citizens shall independently administer the affairs of their ethnic culture, education, organizations, charity, and mutual assistance. The State shall support ethnic communities."

82. Article 1 of the Law on Ethnic Minorities of the Republic of Lithuania establishes that the Republic of Lithuania, adhering to the principles of ethnic equality and humanism, guarantees to all ethnic minorities residing in Lithuania the right to develop freely, and respects every ethnic minority and language. Any discrimination with regard to race, ethnicity or nationality, language or anything else related to ethnicity is prohibited and punished under the procedures provided by the laws of the Republic of Lithuania.

83. Article 8 of the Convention consolidates the right of the child to preserve his or her citizenship and prohibits illegal interference with this right. Article 3 of the Law on Citizenship of the Republic of Lithuania defines the legal status of citizens: "Citizens of the Republic of Lithuania shall have all socio-economic, political, and individual rights and freedoms that are provided and guaranteed by the Constitution of the Republic of Lithuania, and international agreements binding to the Republic of Lithuania."

84. The Law on Citizenship as it concerns children is discussed in paragraph 71. The law also regulates the citizenship of children when parents change their citizenship. According to article 24 of the Law on Citizenship, "If both parents acquire citizenship of the Republic of Lithuania, or if both parents lose it, citizenship of children under 14 years of age shall change accordingly." If one of the parents acquires citizenship of the Republic of Lithuania, whereas the other parent retains citizenship of another State, the child of such parents may acquire citizenship of the Republic of Lithuania on the application of both parents. If the parents of the child are divorced, the child may acquire the citizenship of the Republic of Lithuania upon written application of one of the parents with whom the child has remained by a court decision or with whom the child actually lives. If one of the parents acquires citizenship of the Republic of Lithuania, whereas the other parent remains a person without citizenship, the child may acquire citizenship of the Republic of Lithuania on the application of the parent who has acquired citizenship of the Republic of Lithuania. The Law regulates retention of citizenship of the Republic of Lithuania by children under 14 years of age when one of parents loses citizenship of the Republic of Lithuania. Article 27 of the law stipulates that consent of children is necessary for changing their citizenship: if the parents change their citizenship, citizenship of their children who are 14 to 18 years of age may be changed only upon the children's written consent.

85. The Constitution of the Republic of Lithuania establishes a provision that the family is the basis of society and the State. Family, motherhood, fatherhood, and childhood are under the care and protection of the State. The right and duty of parents is to bring up their children to be honest individuals and loyal citizens, as well as to support them until they attain majority. This is also provided for in the Marriage and Family Code. Article 65 of this code stipulates that parents must bring up their children, take care of their physical development and education, and prepare their children to be useful members of the society. It is the duty of parents to defend and protect the rights and interests of their under-aged children.

86. Articles 70 and 158 of the Code conform with the provision of article 8, paragraph 2, of the Convention, which says that where a child is illegally

deprived of his or her identity, it must be speedily re-established. The child may not be separated from his or her parents, except in specific cases established by the law: deprivation of parental rights, when the child is taken away from parents temporarily, when the parents live separately owing to a divorce, when the child is imprisoned, when he or she is the subject of educative measures designed for under-aged persons, or when the under-aged person is turned over to an educational or disciplinary establishment. In all these cases the child must have the possibility to maintain contacts with his or her family, if this does not contradict his or her best interests. The Marriage and Family Code elaborates in depth upon on the child's separation from parents (arts. 36, 64, 67, 68, 71, 74, 78).

87. To implement article 8 of the Convention it is necessary to define specifically in the newly drafted Marriage and Family Code the concept of the child's identity, the right of the child to a name, surname, nationality, citizenship and family relations. It is also important to introduce a provision that parents, persons representing parents or institutions protecting the rights of the child must safeguard a child's identity and help to restore it when necessary.

## Article 9

88. The Constitution of the Republic of Lithuania contains a provision that the family is the basis of society and the State; that family, motherhood, fatherhood, and childhood are under the care and protection of the State. Consequently, a child must and has the right to grow in his or her family and cannot be separated from his or her parents when there are no clear grounds to do so. Parents have an exclusive right to raise and bring up their children. This is established in the Marriage and Family Code (MFC). Parents must protect the rights and interests of their children. Parents are guardians of their children without any special appointment. Parental rights may not be exercised contrary to the interests of the child (article 65, MFC).

89. Pursuant to MFC, parents have the right to claim their under-aged children back from any person who is holding them against the law or court decision. The court may reject such a claim if it arrives at a conclusion that transferring the child to his or her parents is against the child's interests (article 70, MFC). During the settlement of such disputes, the court takes into account relations between the parties and the child, the child's attachment to the parties to the dispute, and the wishes of the child if the child is 10 years of age (article 67, MFC). This is ensured by child-care establishments.

90. A child may be separated from parents only in exceptional cases provided by the laws of the Republic of Lithuania (see para. 86). The laws of the Republic of Lithuania conform with the requirement of the Convention that all interested parties must be given an opportunity to participate in the hearing (legal process) and make their views known.

91. According to the Civil Procedural Code (Civil PC), persons participating in the case are: the parties, third persons, representatives of the parties and third persons, the prosecutor, institutions of public administration and enterprises, institutions and organizations, and natural persons who

participate in the case on the grounds stipulated in article 55 of the Code. All these persons, apart from other rights, have also the right to participate in the legal process (the case) and to present their arguments and reasoning on all the issues that arise during the hearing.

92. If the parents live separately for certain reasons, the place of residence of their under-aged children is decided by mutual agreement between parents. If the parents fail to reach an agreement, the dispute is settled by the agency for the protection of the rights of the child, then by the court, in compliance with the child's interests; if the child is 10 years of age or more, the court also takes into account the wishes of the child (article 67, MFC). The parent who is not deprived of parental rights and lives separately from the child has the right to participate in the upbringing of the child and to associate with him. The parent with whom the child lives may not prevent the other from participating in the upbringing of the child (article 68, MFC).

93. In adopting a decision to dissolve a marriage, the court must take necessary measures to protect the interests of the under-aged child and the unemployed spouse (article 36, paragraph 3, MFC). The court also resolves which under-aged children shall live with which of the parents. Priority is accorded to the mother. Parents have equal rights and duties with regard to their children after their marriage has been dissolved (article 64, MFC).

94. One or both of the parents may be deprived of parental rights if it is established that they avoid fulfilling their duty to bring up their children or abuse their parental rights, maltreat their children, exert a harmful influence on their children by their immoral and antisocial behaviour, or are chronic alcoholics or drug addicts (article 71, paragraph 1, MFC). If one of the parents is deprived of paternal rights, the child usually remains with the other parent. If both parents are deprived of parental rights, the child is placed in foster care (article 74, MFC).

95. Agencies for the protection of children's rights may allow the parent who has been deprived of parental rights to visit the child if the association has no harmful influence on the child and if the child is not adopted.

96. The court may decide to separate the child from parents and place him in the custody of a child-care establishment, whether or not parental rights have been denied, if it is dangerous for the child to remain with the persons with whom he or she is staying.

97. In the event that causes for separating the child from parents disappear, the court adopts a decision on the basis of a written request by the parents to return the child to them, if this does not contradict the best interests of the child (article 78, MFC).

98. Separation of the child without deprivation of parental rights restricts the parents' right to bring up the child, although parents retain the right to visit the child.

99. The laws currently in force do not specify explicitly how the parents who are punished by imprisonment can bring up their children. According to MFC, such persons, if their parental rights have not been restricted, have the

right to be involved in the upbringing of their children and to associate with them. The Corrective Labour Code (CLC) establishes that during long-term meetings with the family convicts may live together with their under-aged children and the spouse. Convicted women who have children kept at children's (infants') homes within correctional labour establishments are entitled to daily meetings with their children.

100. In the event that a person commits an administrative offence, at his request his relatives, workplace or school administration are notified of his or her whereabouts. If an under-aged person is detained, his or her parents or persons representing them must be notified.

101. According to article 107 of the Criminal Procedural Code, in the event that custody has been chosen as a pre-trial measure, the interrogator, investigator, prosecutor, judge or the court must inform the workplace or a close relative of the person involved.

## Article 10

102. Article 32 of the Constitution of the Republic of Lithuania stipulates that citizens may move and choose their place of residence in Lithuania freely, and may leave Lithuania at their own will. This right may not be restricted except as provided by law and if it is necessary for the protection of State security, public health or to administer justice. A citizen may not be prohibited from returning to Lithuania.

103. Article 5 of the Law on Emigration of the Republic of Lithuania establishes that citizens of the Republic of Lithuania who are 18 years of age and older have the right to file applications to emigrate. Article 6 of the Law stipulates that children under 18 years of age may emigrate together with their parents (foster-parents) or alone if they travel to join their parents (foster-parents) or one of them, with the consent of one of the parents (foster-parent) who remains in the Republic of Lithuania, or a legal representative. Article 5 stipulates that their written consent is required for children 14 to 18 years of age to emigrate together with their parents (foster-parents).

104. Article 9 of the Law on Immigration of the Republic of Lithuania stipulates that applications for immigration may be filed by persons who are 18 years of age. Article 10 of the same law establishes that children who are under 18 years of age have the right to immigrate together with their parents or one of them. And article 3 of the Law stipulates that the spouse of an immigrant or his or her children under 18 years of age who remained to live in another State have the right, at the invitation of an immigrant to come to Lithuania for permanent residence. Therefore, according to the law currently in force a child does not have the right to file an application for immigration independently, although the law ensures his right to join his parents.

105. The laws of the Republic of Lithuania guarantee the right of the child and his parents to leave and return to Lithuania. The right to come to or

leave Lithuania may be restricted only in case this poses a threat to national security or public order, the health and morality of its inhabitants or the rights and freedoms of other persons.

## Article 11

106. Since the restoration of independence, intense migration of citizens began as more people travelled abroad to work or study. An increased number of cases of spouses living in different countries has made it difficult to maintain relationships with and bring up their children. There have been cases of children who left the country to visit one of the parents and were not returned; protracted litigation then began and, as a result, children went through traumatic experiences.

107. Other kinds of problems arise when children leave the country for a short period of time without their parents or guardians, on a holiday, to study or undergo treatment. So far this procedure has not been settled legally; there have, therefore, been cases where foreign citizens with whom Lithuanian children stayed temporarily did not want to return them. If there are no inter-State agreements on these issues, many problems and conflicts arise.

108. By resolution No. 1378 of 11 December 1997, the Government of the Republic of Lithuania adopted Provisional Regulations of Temporary Leave of Children for Foreign States. It is expected that this document will help to alleviate these problems. The possibility to join the 1980 Hague Convention on the Civil Aspects of International Child Abduction is also under consideration by the authorities concerned.

## Article 12

109. State and local government institutions for teaching and education are secular. This is established in article 40 of the Constitution of the Republic of Lithuania. A child may not be forced to act against his or her convictions. He or she may express his or her views on various issues related to his or her activities, for example, choose an educational institution, from the age of 15 take an independent decision on whether he or she is going to take religious instruction, join youth organizations, participate in the self-government of the educational institution, choose the form of examination. This is established in article 18 of the Law on Education. For example, during the 1996/97 academic year, 551,000 children attended comprehensive schools, and of them 348,000, or 65 per cent, took religious instruction (see annex, table 6).

110. School councils are set up in compulsory schools, as well as pupils' councils and other public organizations. In these organizations pupils may speak out openly on the issues they are concerned about, and express their opinion. This is established in the section "Self-governance" of the Regulations of comprehensive schools.

111. Delinquent under-aged persons may be turned over to special educational or foster homes only with their agreement. This is established in the

Regulations of Special Child Educational and Foster Homes (approved by Resolution No. 643 of 5 May 1995 of the Government of the Republic of Lithuania).

112. During an administrative hearing children have the right to give explanations and evidence and to present requests. If they cannot exercise their rights their interests may be represented by their legal representatives (parents, foster-parents, guardians, custodians, representatives of the agencies for the protection of the rights of the child). When charges are brought against an under-aged person in a criminal case, he or she must be ensured the right to defence. He or she is questioned in the presence of a defence attorney, as well as in the presence of parents, legal representatives or a teacher.

113. The Government of the Republic of Lithuania and the Ministry of Science and Education, in conformity with the Law on International Treaties, have concluded many international agreements with the Governments and ministries of other States on cooperation in the sphere of education and science (for example, Poland, Belarus, the Russian Federation and others). The implementation of these treaties is an important contribution to the improvement of the educational system of Lithuania, qualifications of teachers, and expansion of international relations between schools and other educational establishments. Educational organizations and establishments conclude and implement direct international agreements.

114. Seeking to improve education, Lithuania participates in the activities of international organizations dealing with education, like the Education Committee of the Council of Europe, UNICEF, UNESCO and EU humanitarian assistance programmes (PHARE, TEMPUS).

115. Pupils are provided with possibilities to travel in groups and individually to other States, participate in international contests, competitions and festivals, as well as study abroad. Lithuanian students have more possibilities to study at foreign universities and non-university educational establishments. In the 1992/93 academic year only 223 young people studied abroad, while in 1995/96 this number reached 597. The largest number of Lithuanian students studied in Denmark (93), the United States (52), Sweden (46), France (43), Finland (37), Norway (30), the United Kingdom (28) and Russia (28).

116. The issue of the child's place of residence when the parents are separated is resolved, inter alia, by taking into consideration the wishes of the child when he or she becomes 10 years of age (article 67, MFC). In addition, the Law on the Fundamentals of the Rights of the Child (art. 23, para. 4) stipulates that in the resolution of disputes regarding the child's place of residence, priority consideration must be accorded to the interests and desires of a child capable of expressing his or her own opinion as to which one of his or her parents he or she would like to live with.

## Article 13

117. Article 13 of the Convention is close to article 25 of the Constitution of the Republic of Lithuania which establishes that:

"Individuals shall have the right to have their own convictions and freely express them.

"Individuals must not be hindered from seeking, obtaining, or disseminating information and ideas.

"Freedom to express convictions, as well as to obtain and disseminate information, may not be restricted in any way other than as established by law, when it is necessary for the safeguarding of the health, honour and dignity, private life, or morals of a person, or for the protection of constitutional order.

"Freedom to express convictions or impart information shall be incompatible with criminal actions - the instigation of national, racial, religious, or social hatred, violence, or discrimination, the dissemination of slander or misinformation.

"Citizens shall have the right to obtain any available information which concerns them from State agencies in the manner established by law."

118. The Constitution of the Republic of Lithuania speaks about "every person", which means that it is also applicable to children. In the last part of the Constitution references are made to citizens. This means that a child as a citizen of Lithuania is also entitled to the right established in this part of the Constitution.

119. In the Constitution of the Republic of Lithuania the right to freedom of expression includes:

(a) The right to have one's own convictions;

(b) The right to freely express one's own convictions;

(c) The right to seek, obtain or disseminate information or ideas without hindrances.

The contents of the right to freedom of expressing one's opinion (convictions) as provided for in the Constitution of the Republic of Lithuania are in compliance with the Convention.

120. Article 44 of the Constitution stipulates that censorship of the mass media shall be prohibited. The State, political parties, political and public organizations and other institutions or persons may not monopolize means of mass media.

121. According to article 8, paragraph 2, of the Law on Public Organizations of the Republic of Lithuania, members of public organizations whose activity supplies the needs of children and youth, or persons participating in the activity of these organizations, may be under 18 years of age.

122. Article 18 of the Law on Education of the Republic of Lithuania lists the following pupils' rights:

(a) To enrol in any educational institution of their choice, provided their education and other requirements are in conformity with the terms of admission;

(b) From the age of 15 to take an independent decision on whether they are going to take religious instruction;

(c) To join children and youth organizations, to promote their activities, and to take part in educational and arts societies;

(d) To participate in the self-governance of the educational institution in the manner established by the regulations of the institution;

(e) To take externally any yearly (course) examinations of a secondary or vocational school or the final school examination.

123. Articles 242 and 242[1] of the Criminal Code of the Republic of Lithuania prohibit the dissemination of information which instigates war, violence and religious strife; it also prohibits production, dissemination and demonstration of pornographic works. Dissemination of information about the personal life of an individual without his or her consent is also prohibited, with the exception of information as ruled upon by the court.

124. According to article 66 of the Law on Health Care Institutions of the Republic of Lithuania, children are entitled to free requisite medical aid, and the Law on Health Insurance ensures the child's right to free health care. The Law on the Rights of Patients and Compensation of the Damage to Their Health establishes that children and all inhabitants are entitled to know information relevant to their health.

## Article 14

125. Article 26 of the Constitution of the Republic of Lithuania stipulates that "freedom of thought, conscience and religion shall not be restricted. Every person shall have the right to freely choose any religion or faith and, either individually or with others, in public or in private, to manifest his or her religion or faith in worship, observance, practice or teaching. No person may coerce another person or be subject to coercion to adopt or profess any religion or faith."

126. For the child to observe and practise his or her faith, it is very important that religious organizations can freely carry out their activities. Article 43 of the Constitution of the Republic of Lithuania indicates that the State recognizes traditional Lithuanian Churches and religious organizations, as well as other Churches and religious organizations provided that they have a basis in society and their teaching and rituals do not contradict morality or the law. Churches and religious organizations may freely proclaim the teaching of their faith, perform the rituals of their belief, and have houses of prayer, charity institutions and educational institutions for the training of priests of their faith. Churches and religious organizations shall function freely according to their canons and statutes. There is no State religion in Lithuania. The same article of the Constitution also stipulates that the status of Churches and other religious organizations in the State is

established by agreement or by law. The activities and rights of religious communities and associations are regulated by the Law on Religious Communities and Associations.

127. The Convention provides for the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her rights in a manner consistent with the evolving capacities of the child. Article 26, paragraph 5, of the Constitution of the Republic of Lithuania stipulates: "Parents and legal guardians shall have the liberty to ensure the religious and moral education of their children in conformity with their own convictions." This provision is consolidated in article 17 of the Law on Education of the Republic of Lithuania, which says that "at the request of the parents (guardians, foster-parents), individuals authorized by Church dignitaries shall give religious instruction (of the requested denominations) at public educational institutions" (see annex, table 7). Children under State care shall be given religious instruction conforming to the religion that had been professed by their family or relatives.

128. For those who do not attend classes of religious instruction, that time shall be given over to the teaching of subjects related to moral or civic education. Article 8, paragraph 4, of the Law on Religious Communities and Associations establishes that "upon request by students who are believers and their parents, the rites of traditional and other State-recognized religious communities and associations which are not contrary to the secular school concept may be performed in State education and training institutions; participation shall be based upon free choice". Article 9 of the same law stipulates that religious instruction may be provided in houses of prayer, State and other educational and training institutions, as well as other premises and locations. Religion of traditional and other State-recognized religious communities and associations may be taught in public education institutions upon request by parents (guardians, custodians).

129. The State recognizes religious instruction by traditional and other State-recognized religious communities and associations in denominational educational institutions (e.g. Sunday schools) upon registration of the programmes with the Ministry of Education and Science and the presentation therewith of documents attesting to the teachers' qualifications, as well as a request by the spiritual authorities of the religious community or association concerned.

130. Article 18, paragraph 2, of the Law on Education establishes the right of pupils from the age of 15 to take an independent decision on whether they are going to take religious instruction.

131. The freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law. Article 26, paragraph 4, of the Constitution of the Republic of Lithuania provides for the same precondition: "A person's freedom to profess and propagate his or her religion or faith may be subject only to those limitations prescribed by law." The Constitution of the Republic of Lithuania provides for these limitations only when such restrictions are necessary to protect the safety of society, public order, a person's health or morals, or the fundamental rights and freedoms of others.

In addition, article 27 of the Constitution of the Republic of Lithuania stipulates that a person's convictions, professed religion or faith may justify neither the commission of a crime nor the violation of law.

132. Article 144 of the Criminal Code establishes liability for an attempt on citizens and their rights in the practice of an alleged religious rite.

Article 15

133. Article 35 of the Constitution of the Republic of Lithuania guarantees citizens the right to freely form societies, political parties and associations, provided that the aims and activities thereof do not contradict the Constitution and laws. According to paragraph 2 of this article, no person may be forced to belong to any society, political party, or association.

134. The Law on Trade Unions of the Republic of Lithuania establishes the right of citizens of the Republic of Lithuania, as well as other persons permanently residing in Lithuania, aged 14 or above, working under employment contract or on other grounds established by laws, to form trade unions and participate in their activities. In Lithuania trade unions are free and independent.

135. Article 8 of the Law on Public Organizations specifies who may become members of public organizations: citizens of Lithuania aged 18 or above. However, paragraph 2 of this article stipulates that members of public organizations whose activity supplies the needs of children and youth, or persons participating in the activity of these organizations, may be under 18 years of age.

136. The Law on Education of the Republic of Lithuania also provides for the right of the child to freedom of association. Article 16 of this law stipulates that "educational institutions in Lithuania may have children and youth organizations designed to foster moral, civic, cultural, physical and social maturity of pupils, and help to meet their need in self-education and self-expression. Children and youth organizations functioning at educational establishments shall be provided favourable conditions for the pursuit of their activities." In addition, article 18 establishes the right of pupils to join children and youth organizations to promote their activities, and to take part in educational and arts societies.

Article 16

137. The private life of an individual is protected by article 22 of the Constitution of the Republic of Lithuania: "The private life of an individual shall be inviolable. Personal correspondence, telephone conversations, telegraph messages and other communications shall be inviolable. Information concerning the private life of an individual may be collected only upon a justified court order and in accordance with the law. The law and the court shall protect individuals from arbitrary or unlawful interference in their private or family life, and from encroachment upon their honour and dignity."

138. Information about an individual may be collected only in conformity with the law. The law regulates the collection of data about every child with the aim of maintaining the population register.

139. Certain laws establish that individuals wishing to acquire citizenship, to study or engage in activities must provide data about themselves. However, these laws do not regulate the procedure of application, accumulation and publication of the collected data. For example, an employer who employs under-aged persons must ask the under-aged person to produce a birth certificate and written permission from a parent or guardian. The employer has the right to require other documents as established by the laws.

140. The Law on Statistics establishes that statistical data may only be used for statistical purposes and disseminated in consolidated reports, unless there are other agreements with the providers of the data. Statistical services must protect the anonymity of provided data and may not disclose business relations and personal situations which may be established therefrom. Protection of an individual's honour and dignity is regulated in articles 7 and $7^1$ of the Civil Code of the Republic of Lithuania. In court, the honour and dignity of children are protected by their legal representatives (parents, foster-parents, guardians or custodians). Articles 132 and 133 of the Criminal Code provide for liability for slander and insult.

141. Article 16 of the Criminal Code establishes that by a justified court order, the hearing of cases of crimes committed by persons below 16 years of age, sexual crimes, as well as other cases may be held only in camera to prevent publicizing information about the intimate details of the life of participating persons.

142. The parent's place of residence is usually considered the child's place of residence. After independence, the privatization of flats began. Currently, about 90 per cent of the housing stock is owned by citizens. Soon after privatization began, especially in 1992-1995, hundreds of cases of abuse of this right were established. Flats were sold, mortgaged and, eventually, lost. Children's rights were violated, particularly in dysfunctional families.

143. On 14 March 1995, the Law on Fundamentals of Protection of the Rights of the Child was passed. Article 13 of this law established that "when parents or other legal representatives of the child shall implement inadequately or fail to implement the requirements (i.e. do not ensure the child's right to preserve his or her right to housing), the findings by an institution for protection of the rights of the child shall be required in the mortgaging, sale or giving away of the home where the child resides, to demonstrate that such transactions are not contrary to interests of the child". Moreover, this law also establishes that an orphan or a child left without parental care and guardianship who is turned over to a child-care establishment retains the right to housing and other rights. It should be noted that in recent years, especially in 1997, most municipalities have been helping families to keep their homes.

## Article 17

144. Article 25 of the Constitution of the Republic of Lithuania establishes that individuals must not be hindered from seeking, obtaining or disseminating information or ideas. Article 1 of the Law on the Press and Other Mass Media of the Republic of Lithuania stipulates that citizens of the Republic of Lithuania shall enjoy the right to freely and without hindrance express their views and opinions, to disseminate news in the press and by other mass media, and to acquire from them objective information on every issue of State and public life.

145. Article 5 of the Law on the Press guarantees the right of national minorities to acquire, prepare and disseminate information in their native language.

146. International cooperation between mass media shall be regulated by treaties and agreements concluded by mass media of the Republic of Lithuania, professional organizations of journalists and other creative unions (article 35 of the Law on the Press).

147. By resolution No. 540 of 21 July 1993, the Government of the Republic of Lithuania set up the Lithuanian State Science and Study Fund which gives financial assistance to education programmes (including children's education). Item 7, article 4, of the Law on Value Added Tax of the Republic of Lithuania establishes that publishing, printing and circulation of books (including children's books) are exempt from VAT.

148. In Lithuania there are 56 municipal public libraries with 1,428 branches. Of them 19 are special children's branches. All public libraries have children's sections; 174 town and 1,241 rural library branches have separate children's sections. There are no children's sections in the libraries for the visually impaired, and therefore the service for visually impaired children is organized by the centre of children's literature in the Lithuanian National Martynas Mažvydas Library. This centre not only provides services to children, but also conducts scientific research and provides assistance to all the libraries working with children. There are 1,970 libraries in comprehensive schools of various levels, of which 1,355 are in rural areas. In their findings the experts of the Council of Europe gave a positive evaluation of the library activities and noted that most libraries played an important role as local cultural centres.

149. Over 500 titles of textbooks were published for comprehensive schools, which are currently under reformation. More than half of these textbooks were newly written (original). Half of the original textbooks were for Lithuanian schools, 40 per cent for Russian and Polish schools, and the rest for special schools (see annex, table 8). At present, 85 per cent of the textbooks used in Lithuanian schools are original, in Polish schools original textbooks comprise 84 per cent, and in Russian schools 63 per cent. Senior classes are particularly lacking new textbooks, while junior pupils (classes 1-4) have been fully supplied with them.

150. The number of teachers and lecturers in schools of higher and general education increased, albeit not sufficiently to satisfy the demand. In most

cases it is the teachers of foreign languages and informatics, as well as specialized teachers and psychologists, who are in high demand. Nevertheless, increasingly more children are learning foreign languages (see annex, table 9).

151. In Lithuania education and training is accessible to children of all nationalities. According to the population census of 1989, the level of education of national minorities living in Lithuania was higher than that of Lithuanians.

152. On 2 July 1996, the Law on the Provision of Information to the Public was passed. Article 3, paragraph 5, of this Law provides for restrictions on information. Following this law, the Government established the procedure for the distribution of publications, films and videos, and radio and television programmes which propagate eroticism and violence. The Ethics Commission of Journalists and Publishers, with the participation of experts from the Ministries of Culture, Health and Justice, decides which press publications, films and videos, and radio and television programmes belong to the category of pornographic, erotic and violent material. At present in the mass media stricter limitations are imposed on broadcasting radio and television programmes promoting sex and violence that can be listened to or watched by children. A grading system is being applied to television films. Apart from this, the mass media are becoming a useful medium in the legal education of children and families.

153. Article 242 of the Criminal Code provides for liability for the production and dissemination of pornographic articles, and article 242[1] for the production and dissemination of works propagating violence and cruelty. In the opinion of public organizations, regular examination of children's literature should be carried out.

## Article 18

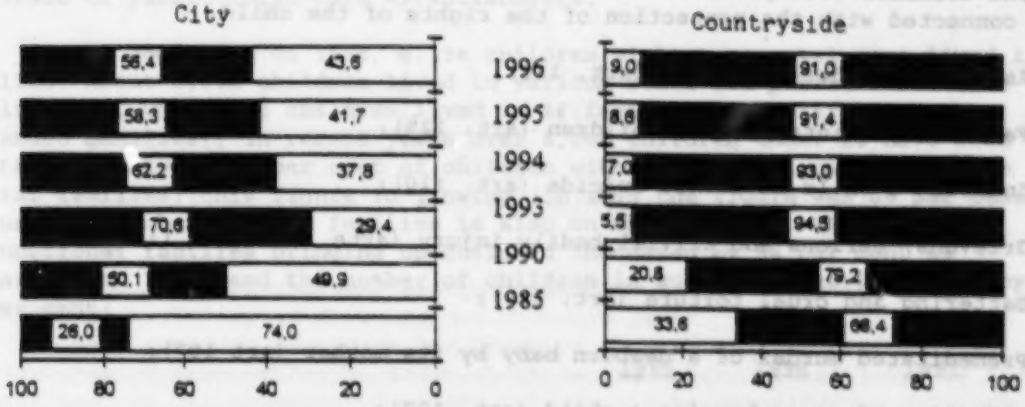
154. Article 38 of the Constitution of the Republic of Lithuania stipulates that the right and duty of parents is to bring up their children to be honest individuals and loyal citizens, as well as to support them until they come of age. Article 64 of the Marriage and Family Code (MFC) stipulates that "father and mother have equal rights with regard to their children. Parents also have equal rights towards their children when their marriage is dissolved." Article 65 MFC: "Parents must bring up their children, take care of their physical development and education, prepare their children to be useful members of the society. Parents must protect the rights and interests of their under-aged children. Parents are guardians of their children without any special appointment. Parental rights may not be exercised contrary to the interests of the child." Article 66 MFC: "All the issues pertaining to the upbringing of a child are settled by mutual agreement between both parents. If parents fail to reach an agreement, the dispute is settled by the agency for the protection of the rights of the child, in the presence of the parents." Article 80 MFC: "Parents must maintain their under-aged children and the disabled adult children who need support." Article 39 of the Constitution of the Republic of Lithuania stipulates that the State takes care of families bringing up children at home, and provides support in the manner established by law. According to article 40 of the Constitution,

"non-governmental teaching and educational institutions may be established according to the procedure established by law ... The State shall supervise the activities of establishments of teaching and education." Article 41 of the Constitution of the Republic of Lithuania stipulates that "education at State and local government secondary, vocational, and higher schools shall be free of charge".

155. In the principal documents of the education reform in Lithuania, pre-school education is treated as the first stage of the education system. In Soviet times, the services provided by pre-school establishments were overstated (there was a slogan, "A Kindergarten for Every Collective Farm!"), whereas during the first years of independence, the role of pre-school establishments was almost totally disclaimed. Kindergartens that were being deserted and were sustaining losses were gradually closed down or reorganized into primary schools or child foster homes. In 1990-1996 over 900 such establishments were either closed or reorganized (54 per cent of the total number of such establishments which were operating in 1990). During this period their number in urban areas dropped from 813 to 500, and in rural areas, from 868 to 229. Nevertheless, the problem of placing children in urban pre-school establishments (especially in new residential areas) has never been fully solved.

156. As compared with 1990, the percentage of children of pre-school age attending crèches and kindergartens of the total number of children aged 1-6 decreased from 50 to 44 per cent in urban areas, and from 21 to 9 per cent in rural areas, as shown in the following chart:

Attendance at pre-school establishments




Shaded areas indicate children 1-6 years of age not attending pre-school establishments

157. However, attendance began to grow beginning in 1993, and by 1996 the number of children attending pre-school had increased by 15,000 in urban areas

and by 2,500 in rural areas. This is because more women returned to work earlier. Therefore, the number of children below 3 years of age in creches increased by 4 per cent, and in kindergarten (above 3 years of age) by 21 per cent.

158. During the last six years the number of groups for children below 3 years of age diminished at a fast rate and creches all but disappeared. In 1990 there were 2,400 creches and in 1996 only 800; the number of children attending them fell from 28,000 to 10,000.

159. Most children, both urban and rural (80 and 93 per cent respectively), attend general purpose groups. However, rural children with health disorders or physical or mental disabilities, have fewer possibilities to attend a kindergarten. Unlike in towns and cities, in the rural areas there are too few rehabilitation pre-school establishments of the sanatorium type; only seven special-purpose groups are available for children with disabilities. And in urban kindergartens there are 533 sanatorium-type rehabilitiation and special-purpose groups attended by 7,000 urban children (8 per cent). In addition to this, urban children have better possibilities to develop their artistic and aesthetic skills in specialized kindergarten groups: in 1996 in urban areas there were 487 such groups, and in rural areas only 28; they were attended by 9,600 and 600 children respectively.

## Article 19

160. Communist ideology predominated in Lithuania for many years. It did not recognize the existence of the problems of children like abuse and violence, neglect, exploitation, etc. Therefore, there was no concrete system to ensure complex assistance to such children.

161. The Criminal Code provides for criminal liability for the following crimes connected with the protection of the rights of the child:

Rape of an under-aged girl (art. 118);

Failure to maintain one's children (art. 125);

Inducing a child to commit suicide (art. 110);

Grievous, serious and trivial bodily injury (arts. 11, 112, 116);

Battering and cruel torture (art. 119);

Premeditated murder of a newborn baby by its mother (art 107);

Abduction of or exchanging a child (art. 127);

Sexual intercourse with a sexually immature person (art. 120);

Perverting acts (art. 121).

162. Deprivation of parental rights is the only legal way of protecting a child from sexual abuse and violence within the family.

163. If a child requires medical treatment due to neglect, violence or abuse, he or she may receive medical help according to his or her place of residence followed by rehabilitation in a sanatorium. However, such children often require assistance from mental health specialists. This is not always available at the place of residence, because this type of aid is concentrated in large psychiatric establishments. Assistance to children who experienced physical, emotional or sexual violence is provided at the clinic of the University Centre of Development Disorders. A child and his or her parents are advised by a team of experts: a children's psychiatrist, a psychologist and a social worker. An anonymous questionnaire has been prepared to help to establish the after-effects of the violence experienced in childhood.

164. On 6 June 1995 the Law on Mental Health Care was adopted which came into force on 1 January 1996. Chapter IV of this law regulates mental health care, which will be provided at the mental health centre nearest to the patient's place of residence (art. 11) at the mental health centres nearest to the patient's place of residence (art. 11). This should bring about radical changes in the current situation. Specialists are trained at Vilnius University Child's Mental Health Centre. In 1997, the Government of the Republic of Lithuania formed a commission to prepare a national programme to combate child abuse and commercial exploitation. So far this problem has been solved by applying legal and administrative measures.

## Article 20

165. The Marriage and Family Code of the Republic of Lithuania (MFC) establishes a procedure wherein children who have lost parental care are turned over to care and custody establishments. Since 1994 such children have been taken care of by municipal Service for the Protection of the Rights of the Child. According to articles 145-151 of MFC, children without parental care are turned over to families, family-type foster homes (extended families) and State or public child-care establishments.

166. At the beginning of 1998, 6,398 children without parental care lived in families. About 6,000 children lived in various State and public child-care institutions, while 336 children lived in 46 family-type foster homes (extended families); in recent years over 6,000 children under 18 have been adopted. Eighty-three per cent of children without parental care come from asocial families; this figure is growing (in 1995 the figure was 80 per cent) because the number of such families is also on the increase. The number of dysfunctional families bringing up children increased by 54 per cent as compared with 1995, and the number of children in such families increased by 34 per cent:

| | 1995 | 1996 | 1997 |
|---|---|---|---|
| Number of dysfunctional (asocial) families | 9 709 | 12 609 | 14 937 |
| Number of children in such families | 25 604 | 29 914 | 34 328 |

167. The following table shows the number of children who have lost parental guardianship, by cause:

| Cause of lost guardianship | Number of children | | | |
|---|---|---|---|---|
| | 1994 | 1995 | 1996 | 1997 |
| Total | 2 567 | 2 907 | 3 391 | 3 175 |
| Death of parents | 358 | 330 | 397 | 317 |
| Parents deprived of parental rights | 300 | 403 | 392 | 362 |
| Long-term sickness of parents | 58 | 113 | 98 | 142 |
| Parents imprisoned | 152 | 271 | 194 | 184 |
| Location of parents unknown | 128 | 122 | 123 | 117 |
| Asocial families | 1 301 | 1 183 | 1 020 | 843 |
| Guardians refused to continue taking care of the child | 46 | 68 | 104 | 45 |
| Parents disowned their children of their own free will | 98 | 262 | 279 | 236 |
| Poverty | | | | 462 |
| Violence (by parents) | | | | 30 |
| One of the parents is missing and the other is not taking care of the children | | | 531 | 396 |
| Disability | | | | 25 |
| Other causes | 126 | 155 | 253 | 16 |

Source: Data of Children's Rights Agency at the Ministry of Social Security and Labour.

168. About 90 per cent of the children who have lost parental guardianship have one or both parents. Fewer children are taken in by relatives or other families. In 1997, 40 per cent of orphaned and abandoned children were adopted by families (in 1992 - 60 per cent); other children were turned over to child-care establishments.

| | 1992 | 1994 | 1995 | 1996 | 1997 |
|---|---|---|---|---|---|
| Total number of children who have lost parental guardianship or are orphans: | 1 731 | 2 567 | 2 907 | 3 391 | 3 175 |
| Of which children under 7 years of age turned over to: | 701 | 1 048 | 1 049 | 1 254 | 1 136 |
| - infants' homes | 111 | 201 | 240 | 275 | 252 |
| - child-care homes | 238 | 694 | 774 | 703 | 460 |
| - comprehensive boarding schools | 45 | 255 | 247 | 242 | 232 |
| - special boarding schools | | | 53 | 62 | 78 |
| - vocational, high and higher schools, where they are supported by the State | 30 | 39 | 39 | 24 | 35 |
| - nursing homes for children with disabilities | | 5 | 5 | 20 | 30 |
| - municipal foster homes | 100 | 128 | 120 | 306 | 309 |
| - municipal child-care groups | | | 8 | 216 | 380 |
| - custody of public organizations | 9 | 43 | 16 | 22 | 70 |
| - family-type foster homes (extended families) | 21 | 37 | 76 | 54 | 56 |
| - parish foster homes | | | | 19 | 3 |
| - custody of families or individuals | 934 | 1 044 | 1 260 | 1 372 | 1 236 |
| Adopted in total | 332 | 308 | 220 | 418 | 421 |
| - of which adopted by foreign citizens | 15 | 198 | 94 | 104 | 129 |

Source: Data of Children's Rights Agency at Ministry of Social Security and Labour.

169. Full-time care of orphans and children who have lost a family environment is organized by the State. It should be noted that at present in Lithuania there are a great variety of child-care institutions. There are State child foster homes, special boarding schools and other types of institutions under the jurisdiction of the Ministry of Education and Science that have existed for many years. There are infants' homes under the jurisdiction of the Ministry of Health Care, while the Ministry of Social Care and Labour supervises six establishments for disabled children. Municipalities have joined in the process of setting up child-care

institutions, and were followed by public organizations. For example, the agency All the Children of Lithuania has been rendering help for many years to children who find themselves in a difficult situation. This agency set up five children's farmsteads with 91 children currently living in them. The aim of municipality foster homes is to organize the custody of children in their native environment. In 1997, the number of such foster homes reached 60 (in 1993 - 9). A new and welcome trend has been observed - public organizations joining in child-care efforts. They are more flexible than State organizations and often they can adopt innovative forms of child care.

170. In 1996, there were only 10 public child foster homes with 202 children. In Lithuania a new type of child-care institution was established called "extended families" (family-type foster homes). The environment created there is the closest to the family environment and satisfies the psycho-social needs of children. These are families which take into their care five or more orphaned children and children without parental guardianship, and ensure suitable conditions of life and education. The State gives material support to such extended families and encourages the establishment of more such families.

171. Persons or public child-care institutions who are appointed guardians (custodians) of orphans or children without parental care receive grants for the maintenance of their wards, under the procedure established by law. These grants amount to 1.5 times the minimal standard of living (MSL) per month for every child of pre-school age or a studying child, if no State maintenance has been provided for in the educational or care establishment. From 1 July 1998 this grant will be increased to 2 MSL, and from 1999, up to 4 MSL.

172. A draft Law on Child Care of the Republic of Lithuania has been prepared. Its main goal is to place children without parental guardianship in the temporary or permanent custody of families and extended families. This draft law was prepared taking into account the Convention on the Rights of the Child and the Law on the Fundamentals of Protection of the Rights of the Child of the Republic of Lithuania.

173. In the implementation of the provisions of article 20 of the Convention, the National Programme of Prevention of Juvenile Delinquency is playing an important role. The programme was launched at the beginning of 1997 and it has been expanding in scale ever since.

## Article 21

174. In the Republic of Lithuania the adoption system is recognized and regulated by the Marriage and Family Code (chap. 14) and the Civil Procedural Code (chap. 32). On 12 October 1993 and 27 June 1995 new amendments and supplements were adopted to chapter 14 of the Marriage and Family Code, and on 8 November 1994, to chapter 32 of the Civil Procedural Code. The Republic of Lithuania also recognizes the system of international adoption.

175. By resolution No. 1344 of 16 October 1995 the Government of the Republic of Lithuania approved the Procedure of Registration of Adoption in the Republic of Lithuania. This document regulates the registration of the families (citizens) of the Republic of Lithuania, families (citizens) of

foreign States who desire to adopt children, and registration of children available for adoption. These regulations establish cases when a child can be adopted by families of foreign citizens, and who and in what manner information may be colected about adopted children. The aim of adopting this procedure is to ensure that every family (citizen) residing in Lithuania who desires to adopt a child can receive information about adopted children. When no family (citizen) in Lithuania wishes to adopt a child or take him into custody, only then can the child be offered for adoption to citizens of foreign States.

176. Adoption is possible and is allowed only when the child can be adopted in the procedure established by law and the court is presented with documents prepared by child-care institutions of the region or town where the child or his parents live. In the Republic of Lithuania adoption cases are investigated only by the court. Adoption is deemed lawful when this fact is confirmed by a court decision and an adoption certificate.

177. Statistical data about adoption show that, after the introduction of the Procedure of Registration of Adoption in the Republic of Lithuania, information about children available for adoption or custody has become accessible to families (citizens) living throughout Lithuania and that an increasing number of children are adopted or taken into custody by Lithuanian families (citizens). As a result the number of children adopted by foreign citizens has dropped.

178. The largest number of children are adopted by citizens of the United States, Israel, France, Sweden, Germany, Italy and Poland. Therefore, it became necessary to receive information about the laws of these and other countries which regulate international child adoption, requirements for prospective parents, as well as reports from official institutions of foreign States about the conditions of life and development of the children adopted from Lithuania. With this in mind, in the spring of 1996 the Government of the Republic of Lithuania began to prepare documents for the ratification of the 1993 Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption. On 16 October 1997 the Seimas of the Republic of Lithuania ratified this convention. It is necessary to encourage and expand the activities of social services by looking for new ways of care suitable for orphans and children without parental care, and to give every encouragement and support to families bringing up orphans and children without parental care.

## Article 22

179. On 4 July 1995 the Seimas of the Republic of Lithuania passed the Law on Refugee Status in the Republic of Lithuania, which established the conditions and procedure for the provision or denial of refugee status to asylum seekers in the Republic of Lithuania, refugees' rights, duties, and the basis for entrance and deportation. The law stipulates that a request on behalf of under-aged children can be filed by their parents, legal guardians or an authorized representative of the institution for protection of children's rights. Having established that, according to article 4 of this law, there are no reasons barring the use of the Republic of Lithuania as an asylum country, the foreigners are provided with temporary territorial asylum, while

the request for refugee status in the Republic of Lithuania is examined, or until he/she obtains a permit to enter another country. This document, at the request of the foreigner, provides for free travel to the refugee centre.

180. By resolution No. I-1005 of 4 July 1995 the Seimas of the Republic of Lithuania established that the Government of the Republic of Lithuania has to adopt a separate decision to begin an investigation into a foreigner's request for refugee status. According to resolution No. 188 of 3 March 1997 passed by the Government of the Republic of Lithuania, the Ministry of the Interior could begin examining requests for refugee status only after the 1951 Convention relating to the Status of Refugees came into force in Lithuania on 27 July 1997 (the 1967 Protocol relating to the Status of Refugees entered into force in Lithuania on 28 April 1997).

## Article 23

181. Since 1990, Lithuania has been trying to implement the rights of disabled persons as established in international instruments, and has been pursuing a consistent policy towards the disabled. In 1990-1996, the Laws on Social Integration of the Disabled, on Education, Mental Health Care, Fundamentals for Protection of the Rights of the Child and other laws were passed. National and municipal programmes of social integration of the disabled were carried out. In these programmes much attention is devoted to the issues of disabled children. Every year considerable budgetary allocations are made both by the State and municipalities for the rehabilitation, education and care, acquisition of compensatory equipment and other needs of disabled children.

182. In Lithuania, the year 1996 was declared the Year of the Disabled. During this year efforts were intensified towards social integration of children with disabilities. At the end of 1996, in Lithuania there were 11,341 disabled children. More than a quarter of them have disorders of the nervous system or sensory organs; one fifth of these children have mental disorders (see annex, table 10).

183. About one half of the disabled children are fully supported by the State. They live in six nursing homes for disabled children (732 children) and 45 special boarding schools (5,054 children with disabilities, of whom 1,144 are orphans or abandoned children). The other half of the disabled children are brought up and educated in families or are taken to school on a regular basis. The disabled children are taken care of by various public organizations: the Lithuanian Council for the Affairs of the Disabled within the Government of the Republic of Lithuania, the Lithuanian Union of the Visually Impaired, the Lithuanian Society of the Deaf and Viltis (Hope), a society caring for mentally retarded people. For example, in Vilnius a network of agencies has been set up which cares for practically all age groups of people with disabilities. Children and adults with mental disabilities live an adequate life in their native towns. Such a system as is applied in the city of Vilnius would be more cost-effective than the maintenance of centralized boarding care institutions. The biggest advantage is that children are not separated from their parents.

184. The National Health Programme, the Mother and Child Health Care Programme, and the Health Care Programme for Retarded Children provide for the State and municipal assistance for retarded children. Public organizations play a very important role here and they will receive more support after the establishment of the State and municipal health funds. Every year hundreds of children receive assistance from the University Centre of Child Development Disorders founded in 1991. The Centre's clinic conducts individual and group psychotherapy, behavioural therapy, game therapy, family counselling and specialist courses. This Centre initiated the preparation of the National Health Programme for Retarded Children which was approved by the Government on 10 May 1996. The aim of the programme was to create local agencies for early diagnosis of retarded mental and physical development in children, prevention, and medical, psychological, pedagogical and social assistance. It is important to note that municipalities adopted a programme to improve the care of retarded children. The essence of the programme is to help parents give their children a good start in their life and not to abandon families which are raising disabled children, especially since in a State establishment, 8 to 10 more resources are allocated for a child who is disabled. Much better results are obtained when a child is educated in the family, a day-care centre or a pre-school establishment (either general or special).

185. A network of agencies at municipality level would reduce considerably the number of disabled wards in boarding-school-type care and educational establishments and produce an economic effect allowing more resources to be directed to the education of both healthy and disabled children, and for the support of children affected by disability and their families.

186. Education is received by 75 per cent of children with a small or medium degree of mental disability, 51 to 75 per cent of children with a higher degree of mental disorder, and 26 to 50 per cent of children with a very high degree of mental disorder. There are many children who receive no education at all and only stay with their parents. Families with disabled children enjoy certain privileges. The main privileges granted to disabled children are as follows:

(a) Prescription medicine free of charge;

(b) Compensation of 90 per cent of the standard price for treatment in a sanatorium, if the child is travelling together with the insured;

(c) Prosthetics and compensatory equipment free of charge (except very expensive equipment), etc.

187. Although in Lithuania there are many and various institutions where children receive education and care, not all children with mental or physical disorders may avail themselves of their services. Therefore, it is important to speed up the creation of a network of municipality agencies providing social, pedagogical, psychological and medical aid to families with disabled children, as well as the establishment of State and municipal health funds.

## Article 24

188. The right of citizens (including children) to acceptable and accessible health care is guaranteed by the Constitution of the Republic of Lithuania and the Law on the Health Care System. A large number of paediatricians

(about 1,666) and a sufficient number of in-patient beds (95 beds per 10,000 children) ensures that every child can avail himself of out-patient and in-patient health care services free of charge. Due to the lack of economic resources, problems arise in providing children with highly specialized assistance (oncological and ophthalmological care; bone marrow, kidney and other organ transplantation; dialysis; correction of some congenital defects). Because of lack of funds citizens cannot fully exercise the right to free (State-supported) health care as provided for in the Law on the Health Care System, as hospitals are not in a position to procure all the necessary treatment and nursing means and medicine.

189. Children's health is one of the key indicators of the well-being of the society and the family. A child's health depends on the family and on the parents' health. In recent years child morbidity increased 1.5 times: in 1990 there were 731 cases per 1,000 children 0 to 14 years of age, and in 1996, 1,110 cases. Children are usually affected by disorders of the respiratory and nervous systems, and by infectious and parasitic diseases. There are many children on dispensary lists (at the end of 1996 there were 158 children per 1,000 under 15 years of age); children with disabilities make up 1 per cent.

190. The following table shows the incidence of common disorders diagnosed among a group of children 0-15 years of age, from 1993-1996:

Health disorders found in children during a preventive medical examination

| | 0-15 years of age | | | | 1-6 years of age | | | |
|---|---|---|---|---|---|---|---|---|
| | 1993 | 1994 | 1995 | 1996 | 1993 | 1994 | 1995 | 1996 |
| Total number of examined children (thousands) | 872.5 | 865.1 | 849.9 | 840.5 | 275.5 | 256.5 | 343.7 | 327.3 |
| % suffering from the following health disorders: | | | | | | | | |
| Deteriorated hearing | 0.2 | 0.2 | 0.3 | 0.1 | 0.1 | 0.1 | 0.1 | 0.2 |
| Deteriorated eyesight | 7.1 | 7.4 | 7.5 | 8.0 | 2.3 | 2.5 | 2.3 | 2.6 |
| Scoliosis | 0.9 | 1.1 | 1.2 | 1.4 | 0.2 | 0.2 | 0.2 | 0.2 |
| Irregular carriage | 3.5 | 4.1 | 4.1 | 4.8 | 0.8 | 0.9 | 0.8 | 1.0 |
| Speech defects | 2.5 | 2.8 | 2.8 | 3.3 | 3.3 | 3.6 | 4.2 | 4.6 |

Source: Data of the Ministry of Health.

191. In 1996, out-patient morbidity among children under 15 years of age, by cause, was as follows:

| | |
|---|---|
| Diseases of the respiratory system | 61% |
| Diseases of the nervous system | 8% |
| Diseases of the digestive system | 4% |
| Skin diseases | 5% |
| Infectious diseases | 7% |
| Injuries and poisoning | 6% |
| Other | 9% |

In 1996, 133,800 children were treated in hospitals - on average every sixth child under 14 years of age.

192. The definition of stillborn differs from country to country. It is obvious that these differences affect to a considerable degree the calculation of still-births and the analysis of the data. Since 1991 in Lithuania, in the registration of births (live and still) the smallest standard weight of a newborn baby has been considered to be 500 grams, and the duration of a pregnancy, at least 22 weeks. The level of prenatal care can be judged from the mortality rate of unborn children. We present the data about stillborn babies in urban and rural areas and by sex (see annex, table 11). In 1996 there were 234 still-births, i.e. 46 per cent fewer than in 1992 and 23 per cent fewer than in 1990. This is the lowest number of still-births. In 1996 there were more boys among stillborns (51 per cent) than girls (49 per cent)(see annex, table 12). Most deaths at birth (78 per cent) were caused by asphyxia. The second cause of deaths is congenital anomalies accounting for 11 per cent of still-births. The number of deaths due to anomalies of the nervous system is particularly high - 7 per cent of still-births. Last year the mortality rate from all causes, except congenital pneumonia, dropped.

193. The Mother and Child Health Care Programme has produced positive results. In 1980, the infant mortality rate was 14.4 per 1,000 live births; in 1990 it was 10.3 per 1,000 and in 1996 it was 10.0 per 1,000. The changes in the infant mortality rate in Lithuania since 1990 are illustrated in the following table:

Deaths among children under 1 year of age

| Year | Deaths | | | Per 1,000 births | | |
|---|---|---|---|---|---|---|
| | Total | City | Countryside | Total | City | Countryside |
| 1990 | 581 | 378 | 203 | 10.3 | 10.0 | 10.6 |
| 1991 | 806 | 508 | 298 | 14.3 | 13.5 | 15.8 |
| 1992 | 887 | 561 | 326 | 16.5 | 16.0 | 17.4 |
| 1993 | 746 | 425 | 321 | 15.6 | 13.8 | 18.9 |
| 1994 | 603 | 360 | 243 | 13.9 | 12.9 | 15.6 |
| 1995 | 514 | 314 | 200 | 12.4 | 11.8 | 13.6 |
| 1996 | 395 | 235 | 160 | 10.0 | 9.4 | 11.1 |

Source: Data of Ministry of Health.

194. More boys under 1 year of age die than girls. In 1996, 216 boys and 179 girls died, i.e. there were 11 deaths among boys and 9 deaths among girls per 1,000 newborns. The mortality rate was the lowest (12 deaths per 1,000 newborns) among babies whose mothers were 25 to 29 years of age. This rate is higher among mothers over 30 years. The highest mortality rate (25 per cent) was among those babies whose mothers were over 40.

195. During the last four years there was a marked drop in the mortality rate of newborns. In 1996, as compared with 1992, when infant mortality was at its highest, the mortality rate of newborns (0 days of age) dropped by 40 per cent, and among babies 1 to 6 days of age, by 60 per cent. And the mortality rate of older infants decreased by 12 per cent. The following table shows the infant mortality rate per 1,000 live births from 1990-1996, for infants from 0 to 365 days old:

| | 1990 | 1991 | 1992 | 1993 | 1994 | 1995 | 1996 |
|---|---|---|---|---|---|---|---|
| 0 days | 0.8 | 2.0 | 2.5 | 2.0 | 1.9 | 1.8 | 1.5 |
| 1-6 days | 4.0 | 6.1 | 7.0 | 5.9 | 4.6 | 3.7 | 2.7 |
| 7-27 days | 1.7 | 2.2 | 2.3 | 2.6 | 2.4 | 2.3 | 1.6 |
| 28-365 days | 3.7 | 4.1 | 4.8 | 5.5 | 5.1 | 4.5 | 4.2 |

Source: Data of Ministry of Health.

196. In 1996 the largest number of babies - 38 per cent - died of prenatal causes (almost all of them were 0-27 days old), 33 per cent of congenital anomalies, 6 per cent of disorders of the respiratory system and 8 per cent of accidents. (see annex, table 14).

197. Last year 404 children 1-17 years of age died. There were 44 deaths per 100,000 children of this age group (in 1990 - 56). Male mortality was higher in almost all age groups: the mortality rate among boys 5-14 years of age is 59 per cent higher than among girls, and in the age group 15-17 years of age it is as much as 2.7 times higher. The number of deaths in this age group has dropped slightly (see annex, table 15). The most frequent causes of death were accidents, suicide, drowning or poisoning (see annex, table 16).

198. Special measures are being taken to reduce the mortality rate among infants and older children. The most important measures taken are the programme to detect prenatal, neonatal and congenital development defects (perinatology) and the Children's Rehabilitation Programme. Under these programmes the provision of medical aid to pregnant women and newborns was reorganized, two perinatological centres were established and new registers were introduced: for new-borns, hereditary diseases, congenital defects and foetal anomalies.

199. Nearly all children undergo preventive immunization according to the schedule approved by the Preventive Immunization Centre. About 96-97 per cent of children are inoculated every year. The main inoculations are against

diphtheria, whooping cough, tetanus, poliomyelitis, measles, German measles and tuberculosis. The National Programme of Preventive Immunization was approved in 1995.

200. There is a sufficient number of child health care institutions and paediatricians. In addition, following the model of certain industrial countries, doctors are being trained as general practitioners (family doctors).

201. Pregnant women are supervised by women's clinics, which function independently or as part of out-patient clinics. Women are encouraged to make their first visit to a women's clinic during the first three months of pregnancy. These clinics carry out all the necessary examinations and tests and determine a procedure for monitoring the woman's health. Throughout the pregnancy the doctor monitors the mother's health and the condition of the foetus, consults other specialists and, when necessary, prescribes treatment (out-patient or in-patient). The pregnant woman knows where she will deliver (she may select a maternity home). If danger arises to the health of the mother or the child, women are referred to the clinics of one of the two perinatological centres in Lithuania.

202. Working pregnant women are given maternity leave before delivery (from the twenty-eighth week) and after it. In the event of a complicated delivery the maternity leave is extended. The Government adopted a decision regarding the list of types of work which are either forbidden or not recommended for pregnant women if they wish to protect their reproductive functions.

203. After delivery the woman is seen by an obstetrician-gynaecologist; she also visits a children's clinic.

204. In Lithuania there is a variety of publications on children's health and the means to protect it: the magazines Sveikata (Health), Deimos sveikata (Family Health), Deima (Family); the newspaper Lietuvos sveikata (Health of Lithuania), and an adequate number of books and brochures.

205. Health education has been put on the curriculum of pre-school establishments and schools. During their lessons teachers of various subjects impart basic knowledge to children about health and a healthy way of life, first aid, personal hygiene, etc. School curricula include sex education. Schoolchildren are consistently told about the damage of tobacco, alcohol and drugs. They are educated in such a way as to help them adopt correct principles and attitudes and to acquire skills which would enable them to learn to live a healthy life; they are taught how to resist drugs and other harmful habits. At pre-school establishments and schools children are also taught safe traffic rules. "Safe Traffic" competitions are held together with police officers, teachers and parents. Children are taught to avoid trauma, accidents and poisoning, how to protect and improve one's health, and now to help in the event of accidents.

## Article 25

206. Children who are placed in State care and live in State establishments undergo regular medical examinations and, when necessary, receive medical

treatment. Their living conditions are regularly assessed. In other words, they are subject to the same medical supervision as children who grow up in families.

207. The Law on the Rights of Patients and Compensation of Damage to their Health regulates the right to accessible health care, the right to select a physician, nursing staff member and health care institution, the right to information, the right to decide whether to participate in scientific and medical experiments, the right of complaint, the inviolability of personal privacy, patients' documents and confidentiality of the information contained in the documents.

## Article 26

208. Article 38 of the Constitution of the Republic of Lithuania says that "family, motherhood, fatherhood, and childhood shall be under the care and protection of the State", and article 39 says that "the State shall take care of families bringing up children at home, and shall render them support in the manner established by law".

209. The new Law on State Benefits to Families bringing up children entered into force on 1 January 1995. It provides for benefits to the most socially vulnerable families: childbirth grant (extraordinary) (6 Minimal Standard of Living -MSL), maternity benefit to studying mothers (0.75 MSL), family benefit (0.75 MSL), child-care (custody) benefit (1.5 MSL), military family child benefit (1.5 MSL), orphaned child study grant (1.5 MSL), orphaned and abandoned child grant (18 MSL). The amounts for 1995 and 1996 are given in the following table:

State benefits to families bringing up children

| | Total expenditure, in thousand litas | |
|---|---|---|
| | 1995 | 1996 |
| Total | 79 473.5 | 109 422.0 |
| Childbirth grant (extraordinary) | 13 483.8 | 20 646.3 |
| Family benefit | 60 202.0 | 79 020.6 |
| Child-care benefit | 4 057.0 | 6 804.2 |
| Orphaned child grant | 402.7 | 736.9 |
| Military family child benefit | 254.9 | 251.0 |
| Maternity benefit to studying mothers | 60.5 | 72.6 |
| Orphaned child's study grant | 1 012.6 | 1 890.4 |

Source: Data of Ministry of Social Security and Labour.

210. In accordance with European and international norms, this law also provides for a new family benefit for every child being brought up. This benefit is paid for a child until he or she reaches the age of 3. This is the first step in developing the system wherein the State covers part of the maintenance expenses of each child. In 1996 an average of 132,500 persons received monthly benefits, and about 19,648,000 litas were spent for this purpose.

211. According to the Law on State Social Insurance, from January 1995 women covered by social insurance are paid 100 per cent of their wages during pregnancy and delivery (70 days preceding delivery and 56 days after delivery). This is followed by maternity (paternity) allowance, i.e. 60 per cent of wages, until the child reaches 1 year of age.

212. For families bringing up children under 3 years of age, medical care for children is compensated 100 per cent, for children under 7, 80 per cent. If the child's parents are covered by State social insurance, medicine and medical care for children 3-16 years of age is compensated 80 per cent.

213. The Provisional Law on Natural Persons' Income Tax provides for a higher tax-free minimum for families with three or more children under 18 (329 litas; for a single parent with one child, 256 litas); for those with two or more children, for the second and every subsequent child the minimum is raised by 45 litas. Establishment of a tax-free minimum for parents bringing up children is a part of family policy. The Government seeks to introduce a just tax system, i.e. to impose lower taxes on taxpayers with children.

214. The Law on Guarantees for Persons' Income provides for social assistance to families who, for objective reasons, are not able to satisfy their basic needs. Such families are paid social benefits amounting to 90 per cent of the difference between the State-supported income (currently 120 litas) and the average monthly income of the family. Usually this benefit is paid to large families, single-parent families, families of the unemployed, children from asocial families, etc. In 1996, on average 136,000 social benefits were paid every month which totalled 5,288,000 litas.

215. Privileges have been introduced for families to maintain children at pre-school establishments. The fee is reduced by half for a child from a single-parent family, for a family bringing up three or more children, when the father is doing military service and when the child's parents are students, one of them being a full-time student. Parents whose children attend specialized groups in general purpose establishments or special kindergartens, as well as custodians and families which receive social benefits, are exempt from taxes.

216. From January 1997, in comprehensive schools, pupils from socially needy families receive meals free of charge. Free school lunch is given first of all to the pupils from families entitled to social benefits, children in custody, children from large families (three or more children), children from single-parent families, as well as children whose parents are invalids, unemployed, doing military service, etc. At mid-1997 there were 59,436 socially needy families with about 115,532 children.

217. In 1997, 20 per cent of pupils in general secondary schools received meals (lunch) free of charge. Forty million litas were allocated for this purpose, and in 1998 this amount was increased to 60 million litas. Apart from this, certain municipalities allocated financial resources for poor families.

218. When a family is in need of urgent help (to buy food, pay for medical treatment or community services, or in the event of natural or environmental disasters), they are granted extraordinary allowances or rendered appropriate social services according to the procedure established by municipalities. On 1 November 1997, the Seimas of the Republic introduced allowances for families with three or more children. From 1998 pupils from poor families will receive not only free lunch, but also free breakfast. A much bigger allowance will be granted for every child in custody, orphans and children who lost parental care. The State is providing social support within its capacity, and this assistance is constantly increasing.

## Article 27

219. In the implementation of article 27, the Government of the Republic of Lithuania, taking into account its possibilities, is taking appropriate measures to ensure the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development, and to assist parents and other legal representatives of the child to secure the conditions of living necessary for the child's development. The implementation of this article depends to a large extent on the economic situation and social conditions in the country.

220. The results of a household budget survey show that in 1996 disposable per capita household income was 327 litas per month. Single persons and couples without children had the biggest disposable income, while households of one adult with children under 18 had the smallest disposable income (257 litas per person, i.e. 21 per cent less than the country's average), along with households of two adults with three or more children (204 litas per person, 38 per cent less than the country's average).

221. According to the survey, the standard of living of households with two or more children was much lower than that of other households in the survey. As can be seen from the table presented in the annex, in households with two children consumption expenditure is lower by 13 per cent than the average of the households surveyed, and consumption expenditure of households with three and more children is lower by as much as 36 per cent. Large households could allocate for food 4.7 litas per person per day, which is 27 per cent less than the average (see annex, table 5).

222. The analysis of the poverty level carried out by the Department of Statistics showed that among those below the poverty line, households with children under 18 predominated. Such calculations lead to the conclusion that the poverty level depends to a great extent on the number of children in the family. Among households with only one child under 18 the level of poverty is relatively low - only 16 per cent.

223. Maternity and child-care benefits are allocated irrespective of the citizenship of the parents or the child. This ensures the protection of interests of the children of foreign citizens who come to Lithuania. In Lithuania maternity (paternity) or child maintenance benefits are also paid if one of the parents lives abroad. Social insurance maternity (paternity) benefits are paid if the child lives abroad. If the father, mother or another person financially responsible for a child residing in Lithuania lives abroad, the duty of this person to provide material assistance to the child is regulated by bilateral treaties concerning legal assistance and legal relations in civil, family, labour and criminal cases, including award and collection of child maintenance. Usually such treaties establish that cases of child maintenance are investigated on the basis of the laws of the Republic of Lithuania. Other States implement the decisions of the courts of the Republic of Lithuania regarding the collection of child maintenance from the person living in that State for the benefit of a child residing in Lithuania. The Republic of Lithuania behaves in a similar manner with respect to other States. Treaties regarding legal assistance with Belarus, Poland, the Republic of Moldova, the Russian Federation, Ukraine, Latvia and Estonia have come into force; treaties on international assistance with Kazakhstan, Turkey and Uzbekistan have still to enter into force.

## Article 28

224. Article 41 of the Constitution of the Republic of Lithuania establishes compulsory education for persons under the age of 16. Education at secondary, vocational and higher schools is free of charge. The Law on Education of the Republic of Lithuania provides for general secondary education acquired at a three-stage general school over a period of 12 years, vocational school of an appropriate level, sanatorium general secondary school, youth learning centres and special child educational and care establishments. Vocational training is acquired at vocational and high schools. In these schools vocational training is coordinated with general education. Higher education is accessible to all persons according to their abilities. Students who excel in their studies are guaranteed higher education free of charge.

225. Parents (guardians, custodians) must provide conditions for study for their children, guaranteeing sound and secure development and ensuring that children attend a general secondary school or a school of a different type until the age of 16, as established in article 21 of the Law on Education of the Republic of Lithuania and resolution No. 889 of 4 August 1997 "On the Procedure of Registration of Children of School Age under 16 Years of Age".

226. All the schoolchildren at general secondary schools and vocational schools are provided with textbooks free of charge. They can also use library stocks free of charge. In Lithuania, for nearly 20 years the number of pupils in regular educational institutions has been on the decline (in 1975 it was 794,000 and in 1993, 633,000). This was caused by a number of factors: a decline in the birth rate, an increase in the number of children not attending schools and of drop-outs, shrinking of the contingent in schools of higher education. However, the year 1994 saw a breakthrough - the number of pupils and students began to grow rapidly in all educational establishments: 644,000 in 1994, 665,000 in 1995 and 688,000 in 1996.

227. The number of pupils increased particularly in schools of general education (by 13,000 every year). This was caused not only by the increase in the birth rate (more children were enrolled in grade 1 every year), but also by a decrease in the number of drop-outs after the Government prohibited under-aged children from working on the streets, in filling stations and elsewhere, as well as after the adoption of the decision allowing to promote lagging pupils at the parents' request and eliminate gaps in their knowledge at a later stage (the number of pupils who did not report to school dropped from 11,100 in 1993 to 6,700 in 1996). On the other hand, as can be observed in the table below, a new trend is evolving wherein education is regaining prestige. Young people are becoming increasingly aware of the importance of education for their career, and every year more persons enrol in schools of a higher level of education.

Number of students continuing studies, 1995-1996

| Type of school and year | Total number of graduates | Students who continue their studies | | | | |
|---|---|---|---|---|---|---|
| | | Total | Secondary schools | Vocational schools | High schools | Schools of higher education |
| **Basic** | | | | | | |
| 1995 | 37 969 | 36 817 (97.0%) | 24 586 (64.8%) | 11 875 (31.3%) | 356 (0.9%) | - |
| 1996 | 41 945 | 41 445 (98.8%) | 28 602 (68.2%) | 12 598 (30.0%) | 245 (0.6%) | - |
| **Secondary** | | | | | | |
| 1995 | 19 915 | 17 316 (86.9%) | - | 2 067 (10.4%) | 6 020 (30.2%) | 9 229 (46.3%) |
| 1996 | 21 072 | 17 962 (85.3%) | - | 1 699 (8.1%) | 6 653 (31.6%) | 9 616 (45.6%) |

Source: Data of Ministry of Education and Sciences.

228. The increase in the number of pupils was also induced by a rapid reorganization of the school network within the framework of the education reform, the establishment of new and alternative educational establishments such as kindergartens, learning centres for children who failed to adapt in traditional schools, grammar and private schools, as well as the introduction of education by stages in vocational and high schools. Therefore, every year pupils with different needs can choose from a broader range of educational establishments.

229. In 1993, 24,000 children under 16 (4.4 per cent) did not attend school, in 1994, 16,000. It has been observed that the number of those not attending school is decreasing. For the time being, no accurate data about children not attending school are available. On 4 August 1997, the Government adopted

resolution No. 889 "On the Procedure of Registration of Children of School Age under 16" which obligates relevant municipal establishments and schools to maintain an accurate record of such children and seek to ensure that all children acquire compulsory education.

230. At the beginning of the 1996/97 academic year, 86 per cent of children aged 7-18 were enrolled in different types of schools, of them 77 per cent in schools of general education, 7 per cent in vocational training schools and 2 per cent in high schools and schools of higher education (see also annex, table 17).

231. The number of adult schools of general education, as compared with 1990, decreased by half (from 59 to 25), while the number of students increased from 5,900 in 1992 to 10,500 in 1996, i.e. on average, from 196 to 421 per school. Students at adult schools are relatively young: 64 per cent of them are under 19 years of age, of whom 5 per cent are below 16 years of age.

232. Article 12 of the Law on Education provides for the education of disabled children either in general or corrective classes of general secondary schools (according to special curricula), or education in child-care establishments or other institutions. The Ministry of Education and Science, in organizing the education and social integration of disabled children, does not single them out as a separate group, but instead puts them together with children with development disorders. Such groups are called "children with special needs". Children with mental or physical disabilities are educated in general classes of general secondary schools where they are provided with special assistance, as well as in special pre-school educational institutions, education centres, special schools, special boarding schools and at home. A child is recommended for transfer to a special educational institution if special education conducted by a school psychologist, a teacher and a special teacher does not produce the expected results, or the educational institution he attends has no qualified specialists for special education, or the child has a severe physical or mental disability. Children may also be transferred from a special educational institution to an establishment of general education. In Lithuania there are special educational establishments for children with visual, auditory, physical, motion, speech, communication and mental disorders; educational centres for children with severe mental, physical and motion disorders; schools of general education for blind and visually impaired, deaf and hearing-impaired children; special schools for mentally retarded children. Their education is organized by modifying and adapting general curricula. Special programmes are prepared to train the impaired functions.

233. At the beginning of the 1996/97 academic year there were 53 special schools for disabled children, of which 6 were in rural areas. The number of pupils in these schools, as compared with the 1990/91 academic year, dropped from 11,400 to 7,400 (from 1,300 to 600 in the countryside). This was the result of stricter requirements, introduced in conformity with the Law on Education, in selecting pupils with special needs or mental disorders for special schools. The aim of the new requirements was to enable more pupils to integrate into schools of general education, i.e. not to separate them from society. Currently, 24,000 pupils with special needs have been integrated into general education classes, i.e. 4,000 more than last year. Usually these

are the children with speech disorders (61 per cent), visual impairments (17 per cent), retarded mental development or slight and moderate mental disorders (19 per cent), physical and motion disorders (2 per cent), and with hearing disorders (1 per cent). At schools there are special teachers who help the disabled children in the process of adaptation. These teachers modify and adapt traditional curricula to the children's needs. However, there is an acute shortage of these specialists, especially in the countryside. In the 1996/97 academic year, in schools of general education and special schools there were 312 special teachers and 734 logopaedic specialists; however, 71 and 74 teachers, respectively, were still required. Most special schools are of the boarding-school type, which accommodate three quarters of such children, including nearly 1,000 orphans and abandoned children. Every year over 200 minors who committed serious crimes study isolated in special education and care homes. Those who remain are unable to integrate and are left to study in special schools are children with mental disorders (4,600 or 80 per cent of the total contingent) and with different types of physical disabilities.

Number of pupils with disabilities in special schools a/

| | 1990 | 1994 | 1995 | 1996 | 1996 as compared with 1990 (%) |
|---|---|---|---|---|---|
| Mental disorders | 8 573 | 4 845 | 4 790 | 4 640 | 54.1 |
| Impaired vision | 338 | 284 | 267 | 294 | 87.0 |
| Deaf and hearing disorders | 412 | 388 | 331 | 424 | 102.9 |
| Speech and communication disorders | 279 | 261 | 281 | 348 | 124.7 |
| Physical and motion disorders | 385 | 306 | 311 | 324 | 84.2 |
| Total | 10 145 | 6 084 | 5 980 | 6 030 | 59.4 |

a/ Exclusive of children exhibiting antisocial behaviour in correctional institutions and special classes in day schools of general education.

234. In the Republic of Lithuania education is compulsory for all children under the age of 16, and this provision has been fully implemented. The reform of education is under way. In recent years the prestige of basic, secondary, high and higher education has been growing. Plans are under way to introduce a course on human (children's) rights.

## Article 29

235. Provisions of the education reform in Lithuania and the legal documents related thereto put an emphasis on the all-round development of the child's personality as the basic goal of the system of education. One of the key tasks of the educational system is to foster a person's spiritual and physical

capabilities, to lay a firm foundation for morality and a healthy way of life, to develop his or her mental abilities and to secure conditions for the development of the personality.

236. In Lithuanian schools pupils are taught to respect human rights and freedoms, understand human and civic duties and be ready to fulfil them. To implement these provisions in education, old textbooks were revised or written anew. Issues of democratic civic culture and respect for human rights and freedoms and the values and principles of a humanistic culture are also elaborated broadly in the draft General Curricula. A special cross-curricular programme, "Civic Education", which is becoming an integral part of the general education in Lithuania, was prepared with this particular purpose in mind. The continuity and fostering of the unique character of ethnic communities and their traditions are guaranteed in various legal documents: the Constitution of the Republic of Lithuania, the Law on Ethnic Minorities, the Law on Education, etc.

237. In Lithuanian schools much attention is devoted to fostering an environmental culture and ecological humanism in children. These issues are included in the curricula of various subjects the drafts of which are also contained in the General Curricula. A cross-curricular programme, "Ecological Education", has been prepared for this purpose. Nature awareness is also emphasized in the cross-curricular programmes "Moral Education" and "Ethnic Culture". An important step towards fostering an ecological culture among Lithuanian pupils was made in 1991 when "Basics of Ecology" was introduced in the school curricula. An original textbook was prepared and published, and later translated into Russian and Polish for use in schools with Russian and Polish as languages of instruction. Now "Basics of Ecology" is taught as a regular subject.

238. In Lithuania there are no restrictions on legal or natural persons establishing educational institutions. An educational institution may be run by a person with professional and pedagogical training.

## Article 30

239. The rights of children belonging to ethnic, religious or linguistic minorities are secured by various legal acts of Lithuania. Article 45 of the Constitution of the Republic of Lithuania establishes that the State supports ethnic communities. Article 2, paragraph 2, of the Law on Ethnic Minorities stipulates that the Republic of Lithuania, taking into account the interests of all ethnic minorities, shall guarantee them the rights:

(a) To obtain aid from the State to develop their culture and education;

(b) To have schooling in their native language, with provision for pre-school education, other classes, elementary and secondary school education, as well as provision of groups, faculties and departments at institutions of higher learning to train teachers and other specialists needed by ethnic communities;

(c) To have newspapers and other publications and information in their native language;

(d) To profess any or no religion, and to perform religious or folk observances in their native language;

(e) To form ethnic cultural organizations.

240. Article 10 of the Law on Education establishes that populous and compact communities of ethnic minorities in the Republic of Lithuania shall be provided facilities for having public or maintained pre-school institutions, schools of general education and lessons in the mother tongue. For small and non-compact ethnic communities, classes or optional courses as well as Sunday schools may be set up at public schools of general education for the purpose of learning or acquiring a better knowledge of the mother tongue. Article 26 of this Law stipulates that the curricula of educational institutions of ethnic minorities may be supplemented by elements of ethnic culture. The provisions of these legal acts are implemented in practice - different types of educational institutions of ethnic minorities are being established. In the Republic of Lithuania there are 91 schools with all subjects being taught in Russian. There are 26 Lithuanian-Russian schools, 7 Lithuanian-Polish, 45 Russian-Polish, and 16 Lithuanian-Russian-Polish schools.

241. In 1994 in Lithuania a social demographic survey was conducted of the Poles and Lithuanians who live in south-east Lithuania. About 50 per cent of children of the respondents of Polish nationality attended schools with Polish as the language of instruction, 23 per cent attended Russian-language schools and 10 per cent Lithuanian schools. The rest of the Polish children attended mixed schools. Among the Poles, 88 per cent had good command of Polish and 86 per cent of Russian; 72 per cent had good writing skills in Polish and 79 per cent of Russian. About 10 per cent of Poles indicated Lithuanian, Russian or Belarusian as their mother tongue. It was noted that most Poles living in Lithuania had a better command of Russian than of Lithuanian. Nevertheless, after the restoration of Lithuanian statehood, the situation has been changing: about 50 per cent of Poles with children said that they would like to enrol their children in Lithuanian schools, about 40 per cent in Polish schools and only 4 per cent in Russian schools. Beginning with the post-war years in Lithuania, there were children's pre-school establishments with Lithuanian or Russian as the language of instruction, and general secondary schools with either Lithuanian, Russian or Polish as the language of instruction. In the pre-school establishments set up during the years since independence there are Polish groups; Jewish and Belarusian kindergartens have been established. In Lithuania parents' desire to educate their children in the mother tongue is always taken into consideration. A Jewish secondary school opened in Vilnius in 1989, and branches later opened in Kaunas and Klaipėda. The first Belarusian classes opened in 1992. Small and non-compact ethnic minorities (Karaims, Ukrainians, Germans, Latvians, Armenians and Jews) learn their mother tongue at Sunday schools or at optional classes in general secondary schools.

242. In 1991 a national long-term programme was confirmed which will help ethnic minorities residing in Lithuania to acquire secondary and higher

education. An increasing number of representatives of ethnic minorities enrol their children in Lithuanian schools, thus raising the number of pupils studying in the official language.

Pupils, by language of instruction, in schools of general education
(beginning of the academic year)

| Academic year | Pupils, by language of instruction (%) | | | |
|---|---|---|---|---|
| | Lithuanian | Russian | Polish | Belarussian |
| 1990/91 | 82.6 | 15.1 | 2.3 | - |
| 1992/93 | 83.6 | 13.6 | 2.8 | 0.0 |
| 1993/94 | 85.1 | 11.8 | 3.1 | 0.0 |
| 1994/95 | 85.4 | 11.3 | 3.3 | 0.0 |
| 1995/96 | 85.9 | 10.6 | 3.5 | 0.0 |
| 1996/97 | 86.5 | 9.8 | 3.6 | 0.1 |

Source: Data of Ministry of Education and Sciences, 1998.

243. After the restoration of independence, some people left Lithuania for Russia, Ukraine, Belarus and other States; other people came to live in Lithuania. In 1990-1996 about 100,000 people left Lithuania and about 45,000 arrived or returned from Siberia or other places: in 1989 non-Lithuanians comprised 20.4 per cent of the total population, in 1997 they comprised 18.6 per cent. Many non-Lithuanian children willingly enrol in Lithuanian schools; others choose to learn in their native language. They are secured appropriate conditions for their studies. Textbooks are prepared and published for minority schools, first of all for Russian and Polish schools. Conditions are provided for training teachers in minority languages for ethnic minority pre-school establishments and primary schools, teachers of native languages and teachers of other subjects. Article 72 of the Criminal Code of the Republic of Lithuania provides for responsibility for the violation of ethnic or racial equality.

## Article 31

244. The children of Lithuania exercise the common rights to rest and leisure guaranteed by the Constitution. Under article 7 of the Law on Education, all children who so desire get additional training at various types of educational establishments: art, sports, language, engineering and other subjects. In the country there are 7 young technicians' centres, 6 young naturalists' centres, 7 young tourist centres and 55 schoolchildren's centres where children develop their abilities (see annex, table 18).

245. Apart from educational establishments and certain cultural establishments (libraries and cultural centres) which have special children's sections, children and youth clubs are also involved in the development of children's skills. Such clubs are available in all major towns and regional

centres. In Lithuania there are 124 children's recreational summer camps which receive about 19,000 children every summer. At these camps children pursue various activities to develop their creative abilities; they are encouraged to take an active part in cultural life, arts and technical design activities.

246. Because of the changing social situation and the deteriorating economy, the organizers of children's recreational summer activities faced big difficulties. From 1989 the number of summer camps decreased by a factor of six and the number of children who spent their summer holidays there by a factor of five (see annex, table 19). On 10 May 1996 the Government adopted a resolution and approved the Procedure for Organizing and Financing Children's Summer Recreation. Municipalities, educational and cultural establishments, public organizations and trade unions are becoming more involved in organizing children's summer recreational activities. The Ministry of Education and Science coordinates these activities in conjunction with county governors' administrations. The State, within its capacity, fully finances summer recreational activities of orphans and abandoned children from the State or municipal budgets.

247. In 1997, by the order of the Minister of Education and Science, a commission was formed which organizes annual tenders for children's summer recreational activities, develops methodologies and rules, and publicizes in the mass media the criteria, priorities and terms of tenders. The commission is seeking to ensure that there are many children's summer recreational programmes available and that they are cost-effective.

## Article 32

248. The majority of Lithuanian teenagers under 18 years of age attend general secondary schools or vocational training schools. Nevertheless, some of them begin to work from the age of 16 and earlier. The Law on Support of the Unemployed of the Republic of Lithuania (No. I-1191, 1 February 1996) protects the rights of persons who are starting their working career. All the persons who are 16 years of age and older, who have completed schools of various types, may register at labour exchanges according to an established procedure and are provided the following services:

(a) Assistance with finding employment;

(b) Vocational training and retraining;

(c) Employment of socially needy persons in places of work specially assigned for them;

(d) The possibility to perform public works (of social utility);

(e) The possibility to perform work financed from the Employment Fund;

(f) Support (credit) in setting up a business.

249. According to article 8 of this law, persons under the age of 18 are ascribed to the category of the most socially vulnerable demographic group of

the population. They enjoy additional guarantees for employment. Every year quotas are established for employers to employ persons under 18 years of age or to create a certain number of jobs. Where additional funds are required for the creation of jobs or for the modification of jobs in accordance with the new job quotas, employers may receive compensation.

250. Stricter conditions are imposed on employers if they want to dismiss young persons under 18 years of age. Employers may not terminate the contract of employment at their initiative with minors employed under new quota jobs if the latter are not at fault. If the enterprise is liquidated or the number of jobs is reduced, employers must give such persons a four-month written notice of dismissal (other groups of employees are given two months' notice).

251. In 1996 there were 6,816 persons under 18, constituting 3.7 per cent of the unemployed, registered at the territorial Labour Exchanges; the corresponding figures for the first half of 1997 were 2,444 persons and 2.8 per cent. In 1996, 1,114 such persons were employed, 434 of them under employment quotas; the corresponding figures for the first half of 1997 were 542 and 113.

252. Employers must draw up and keep a list of employees under 18 and guarantee safe working conditions for them. This list must be made available to a labour inspector upon request. By resolution No. 1055 of 11 September 1996, the Government of the Republic of Lithuania approved conditions of work and employment procedures for minors from 13 to 14, from 14 to 16 and from 16 to 18 years of age, and a list of jobs that persons under 18 are not allowed to perform and the hazardous elements that these persons have to be protected from. The Government also approved a list of jobs that may be performed by minors from 13 to 14 years of age.

253. The rest time for persons under 18 is regulated by article 60 of the Law on Labour Protection, which establishes that daily uninterrupted rest time for persons under 16 years of age must be at least 14 hours, and at least 12 hours for persons from 16 to 18 years of age; this rest time must be between the hours of 8 p.m. and 8 a.m. Persons under 18 years of age must be given at least two days off per week. It is prohibited to assign persons under 18 years of age to work at night, on days off, on holidays and overtime. The violations of these norms are subject to liability according to the Criminal Code of the Republic of Lithuania. Although in Lithuania the provisions of article 32 of the Convention are respected and regulated by law, violations sometimes occur. For example, in dysfunctional families children are forced to beg on the streets, perform dangerous work (clean cars, sell newspapers at the crossroads, etc.).

## Article 33

254. For over a decade in Lithuania, consumption of alcoholic beverages has been a serious health and social problem. Currently there is no clear methodology for the collection and processing of data about consumption of alcoholic beverages. According to the Department of Statistics, in 1996 the total net consumption of alcoholic beverages per capita was 9.5 litres. At present patients seek medical treatment only on their own decision. In 1996,

minors constituted 2.3 per cent of the total of patients registered as addicted to alcohol, drugs and toxic substances. Their numbers are shown below:

| | 1991* | 1992 | 1993 | 1994 | 1995 | 1996 |
|---|---|---|---|---|---|---|
| Alcohol abuse | 264 | 122 | 62 | 442 | 559 | 218 |
| Abuse of narcotic and non-narcotic substances | 5 | 1 | - | 5 | 19 | 120 |

* Beginning of the year.

255. Article 323 of the Criminal Code of the Republic of Lithuania (CC) provides for liability for unlawful production of potent or toxic substances. Article 232 of the Criminal Code also contains provisions imposing liability for unlawful production, procurement, storage, trafficking or sending of narcotic substances; sowing or cultivation of banned opium poppies or hemp; organizing or maintaining dens for the consumption of narcotic substances; and provisions for the seizure of narcotic substances.

256. The following provisions of the Criminal Code may be linked directly to those of article 33 of the Convention: article 232[1] CC providing for responsibility for inducement to consume narcotic substances; article 241[1] CC, involvement of minors in the consumption of non-medical drugs and other substances causing intoxication; article 241, involvement of minors in criminal activities and alcohol abuse.

257. In November 1997 the Government of the Republic of Lithuania approved the Prevention Programme for Drug Addiction for 1998-2000. The main goal of this programme is to identify the key problems connected with the spread of drugs within society, set guidelines and tasks for prevention, and plan means for the solution of this problem and fulfilment of the tasks. The programme was prepared on the basis of the United Nations Drug Control Programme, suggestions of specialists of the Ministries of the Interior, Health Care and Education and other establishments, as well as recommendations of the Governmental Drug Control Commission. The programme also provides for extensive anti-drug education.

## Article 34

258. Sexual exploitation and sexual abuse of children have always existed, but such information was never made public. In recent years, with the increase of the freedom of the press, certain cases of such criminal activities were brought to light. In Lithuania sexual abuse of children is already treated as a psychological and social problem in the sphere of protection of the rights of the child. In Lithuania information about sexual abuse of children is collected by the police, the courts, medical institutions and relevant public organizations. However, this information is very diverse and no general statistical data are available in Lithuania.

259. After open discussions about sexual abuse and commercial exploitation began, victims of sexual abuse addressed the police more often and were less

shy about it. Therefore, more sexual crimes are disclosed. Children who suffered from sexual abuse receive help from medical institutions, police, by a telephone helpline service, etc. Plans are under way to expand such aid in rehabilitation centres. Specialists of child agencies together with the specialists of appropriate medical institutions provide medical, psychological or legal assistance to a child who suffered from sexual abuse. More mothers appeal to these services for help. Begging and vagrant children and children without parental care can easily become victims of sexual abuse and commercial exploitation. In order to prevent vagrancy and begging, in 1997 the National Programme of Crime Prevention Among Children and Minors was launched.

260. Measures have been taken to solve the problems of violence and abuse of children, child prostitution and pornography. However, there are too few establishments and specialists who can give social help to children and families, for example, social workers, teachers, psychologists and other specialists who should work with abused children.

261. In Lithuania agencies of psychological counselling are being set up, appropriate specialists are trained to work with abused children, telephone helplines are established. The National Programme of Crime Prevention Among Children and Minors has contributed a great deal to the reduction of cases of child abuse and their exploitation for prostitution and pornography. The Government is allocating increasingly greater resources.

## Article 35

262. In 1995 and 1996 there were four cases of abduction (article $131^1$ CC); in 1993 and 1992 no such cases were recorded, and in 1994 there was one case.

263. In our country laws do not provide for responsibility for traffic in children and under-aged girls. Several international agreements have already been concluded in the sphere of crime prevention. International agreements on cooperation in crime prevention have been concluded with Finland, Hungary and Turkey. It is very important to conclude more such agreements.

264. The Ministry of the Interior has few agreements on violation of the rights of the child with similar institutions abroad. If people get into trouble abroad they do not receive any protection, because there are no agreements on legal assistance with Israel, Germany and some other Western European States. In Lithuania, the interests of families in trouble are protected by the Centre of Support to Families of Missing People established within the Human Rights Association. This Centre provides assistance to the family members and close relatives of missing people. It maintains contacts with border control posts, embassies and consular missions of Lithuania abroad. Plans are under way to put information about missing people on a special page on the Internet.

265. Draft articles of the Criminal Code have been prepared regarding liability for prostitution and dissemination of pornography which provide for much stricter sanctions for procurers. In 1997 a special division was established in the Ministry of the Interior to search for missing people. It is necessary to join the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949.

## Article 36

266. Article 21 of the Constitution of the Republic of Lithuania stipulates the inviolability of the person, protects human dignity and prohibits degrading treatment or punishment. This provision ensures the protection of the rights of the child from any forms of treatment which are detrimental to the child's well-being.

267. Article 241 of the Criminal Code provides for liability for involvement of minors in criminal activities or alcohol abuse; article 239 provides for liability for maintaining of dens and procuration; article 242, for manufacture and dissemination of pornographic articles; article 242[1], for production or dissemination of works promoting violence and cruelty. However, these articles of the Criminal Code (except art. 241) do not single out liability when said actions are directed against children, and particularly if the child becomes a target of such criminal actions or is exploited in other ways, or when such actions are detrimental to his or her well-being.

268. After the adoption of the Law on Fundamentals of Protection of the Rights of the Child, measures were taken to help children to retain their dwelling. According to article 13 of this law, when parents implement inadequately or fail to implement the child's right to appropriate conditions of living, the findings of an institution for protection of the rights of the child are required before mortgaging, selling or giving away the home where the child resides, to demonstrate that such transactions are not contrary to interests of the child. Hundreds of children have been protected under this provision. Children in asocial families and families of drug addicts are particularly vulnerable to all forms of exploitation.

269. Vagrancy and begging by children are not identified in the codes as violations of law, therefore there are no legal grounds to take these children to the police. No responsibility of parents or persons representing them is established for such actions by children, especially if the children are forced. A package of laws protecting children from all forms of exploitation has been prepared and presented to the Seimas of the Republic of Lithuania for consideration.

## Article 37

270. The Republic of Lithuania is a party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and has signed the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.

271. Article 21 of the Constitution of the Republic of Lithuania establishes that "it shall be prohibited to torture, injure, degrade, or maltreat a person, as well as to establish such punishments". This prohibition includes any physical punishments, and certain articles of the Criminal Code provide for liability for bodily injury, battering, or torture. Article 24 of the Criminal Code stipulates that the death penalty or life imprisonment may not be imposed for persons who at the time of committing the offence were under 18 years of age.

272. According to item 5, article 49, of the Law on Fundamentals of Protection of the Rights of the Child, only court, upon the recommendation of competent institutions, can decide to turn the child over to a special educative and disciplinary institution. Item 6 stipulates that the special institutions should form appropriate behavioural, hygienic and cultural habits in the child and create conditions to acquire general secondary education, professional preparedness for work and life within society.

273. According to article 47 of the Criminal Code, execution of punishment may be postponed if there are no aggravating circumstances in the case and if the court adjudicates that there is sufficient reason to believe that the aim of the punishment will be achieved without direct execution of the punishment. At the expiration of the term of postponement of the punishment, the court, taking into account the behaviour of the minor during the postponement term, either lifts the sanction or, on recommendation of the supervising institution adopts a decision to revoke the postponement of the punishment and executes the punishment (see annex, table 20).

274. At the time of the offence, one minor offender in three neither worked nor attended school in 1991, and one in two in 1996. Among juvenile delinquents the most active group are minors of 16 and 17 years of age. Boys constitute the absolute majority (1996 - 94.8 per cent).

Characteristics of youth crime 1990-1996

| | 1990 | 1991 | 1992 | 1993 | 1994 | 1995 | 1996 |
|---|---|---|---|---|---|---|---|
| Total No. of disclosed minors who committed crimes | 2 042 | 1 928 | 2 747 | 3 181 | 3 036 | 3 385 | 3 408 |
| Of whom committed crimes: | | | | | | | |
| in groups | 1 425 | 1 316 | 1 984 | 2 441 | 2 177 | 2 294 | 2 241 |
| while intoxicated | 436 | 364 | 454 | 670 | 669 | 689 | 655 |
| repeatedly | 176 | 195 | 277 | 392 | 574 | 543 | 621 |

Source: Data of Ministry of Interior, 1997.

## Article 38

275. The Law on Military Service of the Republic of Lithuania adopted on 22 October 1996, establishes that all men 19 years of age and above do military service, or, on request, from the age of 18. Similar provisions are contained in the 1991 Law on Voluntary Military Service: article 9 establishes that citizens 18 years of age and above may become active volunteer servicemen.

## Article 19

276. Lithuania is already in a position to provide care to a child who has lost parental guardianship or who is suffering in a child-care establishment or in the family of relatives. However, some children need not only to recover physically, but also psychologically and to integrate socially. Several years ago the State and society took concrete measures in the sphere of social integration of the child: legislators adopted new laws or adjusted the old ones, the Government established agencies of protection of the rights of the child, and appropriate institutions and organizations increased public awareness and disseminated information. Agencies of protection of the rights of the child were set up in all towns and regions. They employ about 200 specialists who provide assistance to children. Certainly, this number is insufficient.

277. In 1991 the University Centre of Mental Development Disorders was established. Its specialists have already gained considerable experience in rendering specific assistance when children face psychological and social problems. The Centre set up a model agency for children with mental, physical or social problems. The Centre provides assistance, treatment and rehabilitation services to several tens of children daily.

278. In 1996 the National Health Programme for Children with Development Disorders was created. Its aim is to create a model agency for prevention, treatment and rehabilitation of child development and mental and neurological disorders. In 1997, under pressure from the public and non-governmental organizations, the Government changed its attitude towards children's problems. This programme will undoubtedly receive financial support from the Government. The programme, recommended by the University Centre for Children with Development Disorders, suggests that health care agencies be made responsible for early aid to children of pre-school age and their families, and for a child psychiatric service.

279. Assistance should be provided to the perpetrators of violence and coercion, parents, delinquent juveniles, alcohol and drug abusers and persons deprived of their liberty. Children who become victims of any form of neglect are taken care of by the Social Assistance and Distribution Centre for Minors. This Centre participates in the prevention of juvenile delinquency and provides urgent social assistance to minors who become victims of crimes, get lost, are on the tramp or are without the care of their parents or guardians, and other children who are in need of social help for various reasons. The Centre guarantees the maintenance and medical care of the children delivered to it, and takes measures to return the minors to their parents or guardians or to place them in educational, care or special establishments. The members of staff of the Centre identify the causes and circumstances under which the minor was delivered to the Centre and take measures to eliminate the causes (see annex, table 22). The Centre cooperates with town and regional agencies of protection of the rights of the child, other social, religious and charity communities and organizations, and individuals who offer social help to minors.

## Article 40

280. Article 21 of the Constitution of the Republic of Lithuania stipulates: "The person shall be inviolable. Human dignity shall be protected by law. It shall be prohibited to torture, injure, degrade, or maltreat a person, as well as to establish such punishments." Article 2, paragraph 3, of the Criminal Code of the Republic of Lithuania establishes that punishment is in no way aimed at physical suffering or degrading treatment.

281. Among the circumstances which are established in any criminal case, in the cases of minors, article 73 of the Criminal Code provides for certain additional circumstances to be proved. The establishment of these circumstances is necessary in order to help the child, to determine his or her mentality and interests, and take into consideration his or her age. These circumstances determine the degree and nature of responsibility of the minor. Article 73, paragraph 1, of the Criminal Procedural Code provides for the following circumstances:

(a) The age of the minor;

(b) His living conditions and upbringing;

(c) Any adult instigators or accomplices.

282. The provisions of article 40, paragraph 2, of the Convention are established in articles 3 and 7 of the Criminal Code. The provision contained in subparagraph 2 (vi) is ensured in article 15, paragraph 2, of the Criminal Procedural Code.

283. Participants in the process who do not know Lithuanian are guaranteed the right to have written statements, evidence, explanations, requests, complaints and oral statements made in court in their mother tongue or another language they have command of. All participants are also entitled to free interpretation services.

284. Much attention is devoted in the laws to protection of the rights of minors who cannot avail themselves of the right to defence. In such cases the Criminal Procedural Code provides for additional procedural guarantees. The wording of the Convention, "in the preparation and presentation of defence", enshrines the right of the defendant to a sufficient amount of time and possibilities to prepare for defence. Charges against a minor are brought or questioning of him is conducted in the presence of his or her defence attorney who ensures the impartiality of the questioning and protection of the rights of the defendant; teachers, the minor's parents or members of staff of agencies of protection of children's rights may also be present. The participation of parents or other lawful representatives does not preclude a teacher from participating in the same case.

285. Article 11 of the Criminal Code establishes that persons who were 16 years of age prior to committing a crime are subject to criminal responsibility. However, for some crimes persons are held liable from the age of 14. These are malicious actions which may cause a train accident, murder, malicious injury which had an adverse effect on health, rape, malicious

hooliganism, possession of drugs, firearms, ammunition or explosives, theft, robbery, malicious destruction of or damage to property under aggravating circumstances. Criminal proceedings may not be instituted or, if instituted, must be terminated against a person, who prior to the moment of committing an offence posing danger to the public, was below the age of 16 (in some cases 14).

286. The laws of the Republic of Lithuania do not provide for education and correction of children under 14 years of age who committed offences. Therefore, when a child is not subject to criminal (or administrative) liability due to his or her age or other circumstances, the Law on Fundamentals of Protection of the Rights of the Child of the Republic of Lithuania establishes that the child may be issued a warning or compulsory educative enforcement measures may be applied.

287. Article $47^1$ of the Criminal Code provides for a possibility of postponement of the execution of the punishment (corrective labour or deprivation of liberty) imposed on persons (minors). That is, the court may postpone execution of the punishment for one to three years if a person was sentenced to corrective labour or imprisonment for the first time. Execution of punishment may also be postponed if no aggravating circumstances were found and the court arrived at the conclusion that there was sufficient reason to believe that the aims of the punishment could be achieved without its actual execution. Upon the expiry of the term of postponement, the court, depending on the behaviour of the minor during the time when the execution was postponed, either completely lifts the sanction, or on recommendation of a body monitoring the behaviour of the sentenced person (police inspector for minors' affairs), adopts a decision to annul the postponement of the execution of the punishment and orders the imposed punishment executed.

288. According to the Department of Statistics, execution of judgement was postponed for 57 per cent of juveniles in 1991, 66 per cent in 1992, 50 per cent in 1993, 49 per cent in 1994, 67 per cent in 1995, and 37 per cent in 1996.

289. Article 55 of the Criminal Code establishes that persons sentenced to imprisonment or corrective labour for crimes committed when they were under the age of 18 may be sentenced to probation and the remaining part of the sentence may be replaced by a milder punishment. However, this is only applicable in cases where he or she proves by exemplary behaviour and conscientious work and studies that he or she has reformed his or her character.

290. Article $52^1$ of the Criminal Code provides for the possibility to relieve a minor from criminal liability. That is, a minor who committed a trivial offence may be relieved by the court from criminal liability if he or she:

(a) Committed an offence for the first time;

(b) Fully acknowledged his or her guilt and regretted his or her actions;

(c) Compensated the damage or agreed with the claimant on damage compensation if damage was inflicted; and

(d) There are reasons to believe that in future he or she will respect the laws and will not commit new offences.

291. Such a minor is given one of the mandatory enforcement measures stipulated in article 61 of the Criminal Code, i.e. he must make an apology in public or in any other way designated by the claimant; he must pay material damages, in money or by working; he may be turned over to the custody of his parents; he may be obliged to perform 20-100 hours of community service work; he may be subjected to home supervision for up to 45 days; he may be placed in a special disciplinary institution for up to three years, but not after he attains his majority. At present, this means placement in a special children's educational and care home. The last measure is the strictest of those listed.

292. At the beginning of the 1996/97 academic year there were four special children's educative and care homes housing 289 minors, of whom 132 were orphans or abandoned children. Children's educative and care homes organize general basic and secondary education, daily and cultural activities, individual corrective work and psychological counselling, labour or production activities, craft skills and knowledge.

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